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correctional OPTIONS

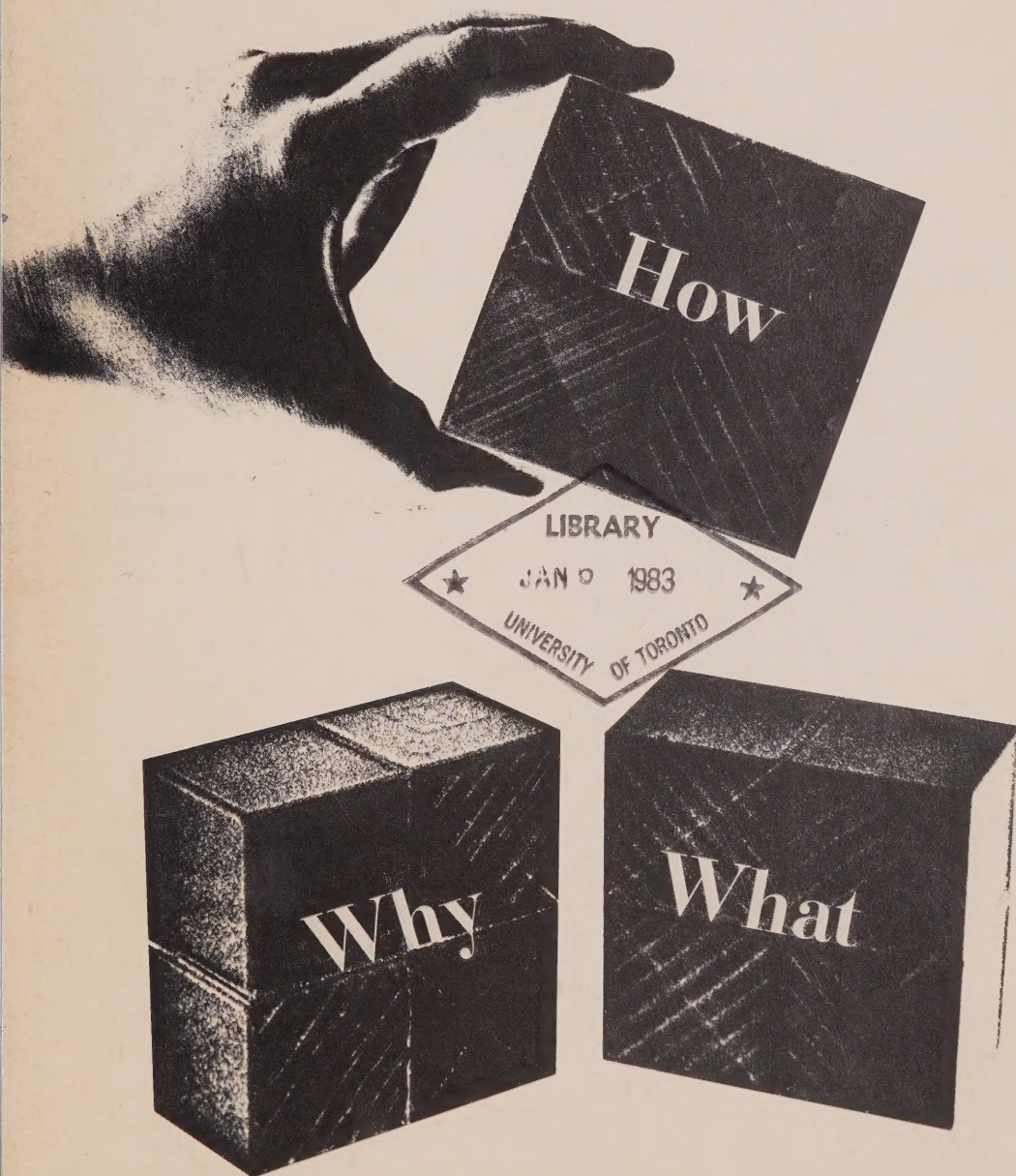
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correctional OPTIONS represents the efforts of those involved in the field of corrections, working with people in the community to develop new approaches in the management of offenders.

Whereas there is a tendency to maintain the status quo, the history of traditional corrections is replete with reform efforts from the abolition of physical punishment, the more home-like design of institutions, to the enlargement of the role of correctional officers. All of these efforts are tied to the bricks and mortar of what already exists.

What is presented here, however, is the foundation, the building blocks, of a non-institutional approach. The challenge of community corrections is to develop programs and approaches in which the community can have a vested interest and confidence, such that correctional institutions are used for those who **need** to be there because they present a threat to public safety or to themselves if at liberty.

Our cover illustration symbolizes the thoughtful construction of a community corrections philosophy that underlies the diverse activities which are occurring throughout Ontario. Our hope is that by sharing our ideas and experience, we will stimulate and enrich the move towards communities taking more responsibility and assuming new roles.

We encourage you to reprint/photocopy and distribute any articles you particularly like. We would welcome your comments and critiques about the journal, which is our continuing effort to present some of the correctional options which are possible and practical.

EDITORIAL BOARD

correctional OPTIONS

Shortly after the publication and distribution of the first issue of **correctional OPTIONS**, we received many letters of commendation and encouragement from our correctional colleagues in Canada, United States, England, and south-east Asia. This response was beyond our wildest dreams and greatly encouraged us as we began work on volume II.

In this issue, we have broadened our scope to include innovative programs in institutions as well as in the community. There are articles about management in corrections and it is our belief that the development and education of correctional managers will be a crucial element in the decade ahead. Increasing workload and greater demands for service delivery in the face of shrinking government revenues and tighter budgets, require skill and innovation from correctional managers. Also, in this issue, we have included an article of concern to both practioners and policy makers in the correctional field - the issue of justice for our native people.

It is our hope that the issues raised and the recommendations made stimulate others to think and to plan policies and programs to meet these needs.

When you receive this issue, we shall be participating as a ministry in the 112th Congress of Correction of the American Correctional Association in Toronto. Let me take this opportunity to welcome correctional personnel from other countries who will be joined by their colleagues from the United States and Canada; all of whom, I am sure, join with us in the search for creative, humane, and life-enhancing correctional options.

Community Programs Support Services Branch



correctional OPTIONS offers insights into many of the community options which exist today. An attempt has been made to examine the various concerns, projections, and resolutions to current problems that have been voiced by those who are involved in the criminal justice field. The opinions expressed in the articles are those of the individual authors and do not necessarily represent the policy of the Ontario Ministry of Correctional Services.

Without the assistance of the following people, **correctional OPTIONS** would still be a vision.

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Correctional Responsibility

The Honorable Nicholas G. Leluk
Minister of Correctional Services

An underlying philosophy of my ministry is responsibility: offender responsibility, community responsibility, and organizational responsibility.

The majority of the people we receive are minor offenders. Until 1978, the goal and mandate of the Ministry of Correctional Services was straight forward . . . "To hold in custody for prescribed periods, those persons sentenced by the courts".

It made no provision for anything but running jails and detention centres and these institutions were becoming more and more overcrowded. In 1979, the goal and mandate of the ministry was changed as follows: **"To provide custody and community supervision as directed by the courts. The emphasis should be on helping the offender to develop and maintain responsible and acceptable behavior within the community, rather than on short-term custodial care"**.

The ministry has a mandate to assist in the reintegration of offenders into society and to give them the opportunity to help themselves. We firmly believe in 'work ethic' for probationers, parolees, and inmates. Accordingly, it forms an integral part of our programs. We also believe in offenders accepting their responsibility for their actions. Those who refuse to make the best use of the opportunity we provide, usually wind up hurting themselves and those around them. This is a great - and costly - loss to themselves and to society.

It is worth the effort for us to try and help as many as we can.

We have 53 community residential centres in the province, all of them managed for us on a contract basis by private agencies. Carefully selected offenders are allowed to leave the institution to live, work, and attend school in a community setting. They live under supervision and by strict house rules. The program is aimed at encouraging responsible behavior by offenders and it is a step closer to freedom and its responsibilities than a correctional facility.

Last year, offenders spent 120,000 days at these centres. Considering that it costs approximately \$25 per day to keep an offender in a community residential centre as compared to the \$63 per day price tag in our institutions, it makes sound financial sense to utilize this alternative.

During the 1981-82 fiscal year, the ministry was able to achieve significant savings because we utilized these C.R.Cs. Important as it is, these savings were not the only plus. Offenders were afforded the opportunity to work their way back into their communities and while in residence, they earned \$2.5 million. Of this amount, they paid \$600,000 in room and board and sent \$500,000 home to their dependents.

Our statistics also indicate that more than 80 per cent of these residents remain crime-free for a one year period after program completion. This is an objective of which we are proud and strive to maintain. It means that we have created a new taxpayer and eliminated an inmate. All in all, it adds up to an important financial and human success.

Another alternative we have been using is restitution. Judges are issuing greater numbers of probation orders that require the offender to make restitution to the victim of his crime. This means the offender is forced to face the personal consequences of his actions and pay for them out of his pocket. The work offenders perform in order to earn money to pay their restitution is the key element. The offender is made to face his or her responsibilities.

There are more than 4,000 offenders in this province who are repaying their victims as a condition of probation. Last year, the total amount of restitution reached approximately \$3 million.

Our institutions' "self-sufficiency" program is not only a cost control procedure, but it also teaches inmates basic job skills. Adjacent to many of our 51 institutions, there are farms where fruit, root crops, and vegetables are grown. Inmates also raise chickens, pigs, and beef cattle. These are all consumed within the institutions. In 1982, this harvest will save some \$540,000 in wholesale food costs. Over the next five years we are hoping to further expand this food production in order to become almost totally self-sufficient.

Last year, we were successful in helping 4,200 probationers and parolees find jobs. Many businessmen have trusted these young offenders and I am sure that very few have regretted it. Our records show that they do a good job, when given the opportunity.

It has been proven that if offenders have a job at the completion of their probation, 70 per cent of them remain crime-free for at least two years. However, if they have no job at the completion of probation, 50 per cent return to some form of crime within the same period.

There are no miracles in the field of corrections. However, by insisting that offenders realize they must accept responsibility for their actions and future, many have learned, while in our custody, that there is a pathway back into society.



The Honorable Nicholas G. Leluk, Minister of Correctional Services (right) with Amos E. Reed, President, American Correctional Association at the 1982 A.C.A. midwinter conference.

correctional OPTIONS

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The Correctional Dilemma

by John Duggan

Rising crime rates and prison overcrowding are only two of a number of topics that daily attract attention and comment within our society. Many press reports seem to reflect that the business of corrections, in many parts of the world today, is facing something of a crisis. Statements such as these have a familiar ring to those of us who have worked within the system for any length of time.

In the prison business we have found ourselves, over the years, faced with a wide range of conflicting demands, from the 'flog 'em and hang 'em' sections of society to those more liberal groups to whom almost any form of punishment is abhorrent. We are directed to operate within parameters that, on the one hand tend to be prescribed and rigid -- acts and regulations -- and yet we are expected to be innovative, caring,

"A system that relies solely on institutional care brings the first offender into direct contact with the multiple offender. It mixes those who commit minor and non-violent crimes with those who have made criminal use of weapons a part of their lives.

A system that relies solely on institutional care brings together the experienced and the inexperienced. The corrupt and the naive. The weak and the strong. Such a system hinders personal development. It creates an atmosphere where any awakening of responsibility in an inmate is often subjected to intense scrutiny and pressure.

In the nineteenth century, architects designed huge jails to mirror the workings of the community. It was their attempt at encouraging reform among inmates. Today, the situation is different.

We now realize that nothing can substitute for the community, and that the community itself, is the best classroom for the learning and appreciation of life."

*Nicholas G. Leluk
Minister of Correctional Services*

We always seem to operate under pressures or crises of one sort or another. Perhaps this is because of the position we occupy within the framework of most western societies, something akin to that of a necessary evil. I suppose this is somewhat inevitable, given that our clientele visibly and often dramatically represent the failures of our society in one form or another.

humane, and treatment oriented. We are required to operate within a mandate that will return the offender to society in better shape physically, mentally, and attitudinally than that in which he was received. These aims are complicated by the fact that the correctional administrator generally has little or no say in the disposition of the offender. He is directed by the courts in such matters as type or length of sentence,

and may receive a number of recommendations or directions relating to the additional disposition of the offender.

A good example of this is the decision to abolish the death penalty in Canada. The impact upon long-stay institutions has been dramatic because of the need to provide maximum security living space for each long-term inmate and because of the effect upon security and the additional control and treatment problems that many of these people represent to staff and to other inmates. It is also, of course, a cumulative problem, with the numbers of such offenders held in custody increasing with the passage of time.

Correctional people have, in the main, met this challenge with enthusiasm and ingenuity. Even from as far back as the days of branding, mutilation, and ransom through to the introduction of bridewells, houses of correction, penitentiaries, and open prisons, one can easily be persuaded that there is no approach that has not already been tried. The list is formidable and includes: separate system, silent system, group counselling, casework, industrial and vocational training, education, physical fitness, behavior modification, etc. Indeed, this was part of the problem.

It seems to me that as each bright new star appears in the firmament of corrections we hasten to adopt it, and at times appear to regard it as a panacea to the continuing problems of recidivism and the aims of effective treatment. The truth, as I believe it, is that we need all or most of the methods that we have discovered and developed, and the acid test comes when we select the most appropriate method to use with the individual. We have also experienced, and indeed are still experiencing, a move towards the debunking of treatment programs on a variety of grounds, from cost to the belief that they just do not work. It is my contention that we accept such a stance at our peril.

From Sir Winston Churchill's famous statement about the measure of a society being the manner in which it treats its criminals,

to modern treatment modalities, we should resist the message that institutional corrections should simply be a matter of locking people up. Surely that is the voice of despair and the message of little hope. At this point, however, I find myself in the traditional dilemma that faces correctional administrators. We cannot be starry-eyed idealists. We do have the responsibility of incarcerating people, many of whom are difficult and dangerous, and we must carry out this primary obligation to the courts and to the community.

Coupled with this responsibility are: a definite trend toward a more litigious stance by inmates, the potential impact of legislation regarding proposed freedom of information, and the bringing home of the Canadian Constitution with its attendant Charter of Rights implications. One is confronted by a future which will certainly bring its share of headaches for correctional administrators.

I find myself returning to the conviction that, within the realities of the system, we have to remain flexible in our approach and ascertain the purpose of imprisonment in each and every case. If it be to ensure the protection of society and the production of an offender in court to face trial, then that is our role. If it be to supervise the serving of a sentence with all that entails, then we should determine where, and how, that can best be served to the benefit of society and the individual alike.

The need for prison is inextricably linked with the other major components of the criminal justice system, the police, and the courts. As the final link in the chain, we find ourselves somewhat in the position of being the last to know what is going on, particularly with regard to offender population trends, patterns of offences, etc. It is obvious, for example, if we increase the number of police officers, we will most probably increase the apprehension and arrest rate, which in turn adds significantly to the courts' workload and ultimately an increase in the number of convictions and sentences.

There are signs that suggest many parts of the western world are experiencing an upsurge in prison population. As an example, England has seen its prison population climb to almost 45,000, whilst as recently as 1975 the figure of 42,000 was described as a crisis figure. This increase, apparently, was a major factor in the decision of the Home Affairs Committee to enquire into the Prison Service. Their report was printed in July of 1981, and, indeed, it came hard upon the heels of the Committee of Enquiry headed by Mr. Justice May, which reported upon the Prison Service in October of 1979.

The State of New York recently launched a campaign to fund a \$500 million bond issue for an expanded prison building program, and we, in Ontario, have seen a dramatic rise in our own institutional population in the past two years. All of us, I suspect, are faced with the same question: How do we cope with these increases in population in a manner that will be cost efficient and yet effective?

The capital cost of one maximum security cell is at least \$100,000 from drawing board to completion and the process is a long and difficult one. It is incumbent upon us to explore all of the options, to satisfy ourselves that the person who is ultimately placed in that cell is there appropriately, or whether he could have been dealt with just as effectively in some other less expensive fashion. The capital cost of institutions is not, of course, the only factor one must consider in this equation. The incremental costs are enormous and, once established, continue at an increasing rate for year after year.

I very recently watched a television documentary entitled **Sharp and Terrible Eyes** that took a critical look at the treatment of juvenile offenders, and I couldn't help but experience a feeling of déjà vu. The problems outlined, the methods used to tackle them, and the views expressed during the inevitable panel discussion that followed all sounded so familiar to me. I have heard them expressed in similar programs over the past twenty years or so, whether the subject

was the Borstal system in England or the treatment of delinquents in Canada. They have been expressed on phone-in shows, at conferences, in newspapers, and in magazines -- indeed the list could go on and on. I have a feeling that we are extremely skilled when making utterances in a critical vein about the criminal justice system. Heaven only knows, there are many times when we not only need but deserve it, and I suspect most members of the public could speak long and vociferously about what their perceptions of the system's shortcomings might be. However, I suspect it is a great deal more difficult to offer a constructive, simple, and acceptable solution to those same problems -- perhaps there isn't one.

I have not perceived any major directional change within our society that seeks to sweep away the concept of imprisonment. Indeed, as I have outlined, recent experience seems to indicate an increased usage of imprisonment on a very wide front. This increase comes despite a major thrust to expand upon existing options within the community, and to search for and develop new alternatives to incarceration. We have pursued such a policy vigorously in Ontario, as have others in many parts of the U.S.A. and in Europe. In many cases, their experience has been the same; despite this emphasis, the numbers being incarcerated have increased. It seems obvious that without the attention to programs that seek to divert people from prisons, the increase in prison numbers would have been such as to reach crisis proportions. What is at work here? Are we becoming a more lawless society, or are we better at detecting crime? Do we have uniformity in the approach of those responsible for determining whether the sanction of imprisonment is to be used? How are countries like Holland and Sweden able to operate their criminal justice systems at an incarceration rate that is only a fraction of that prevailing in such countries as West Germany, Britain, the U.S.A., and ourselves? We cannot lose sight of the fact, however, that despite levels of incarceration being dramatically different, nevertheless, the use of imprisonment is sanctioned and utilized.

It is obvious, then, that we already possess the vast and detailed experience of many programs that are appropriate for particular types of inmate. We are not lacking in our imagination, and perhaps just as importantly, in the desire to improve upon these programs. To enable us to respond effectively to the demands that are being placed upon us, we should improve, at the field level, those systems of evaluation, assessment, and allocation. They must remain flexible enough to adapt to progress made, or indeed to our failure to progress at all.

The direction of the correctional process is swinging its emphasis toward de-institutionalization. An increasing use of community-based programs, particularly those of a residential nature, can only become more effective if we have an informed assessment of the needs and capabilities of the clients for whom this is a truly viable alternative.

For the sake of our society, for those who work within the system, and for the offenders themselves, we must be prepared to meet the challenge. Our approach must provide for the appropriate utilization of space and accommodation, the necessary levels of security, and for imaginative programming that will enable us to meet the multiple demands that society will surely place upon our doorstep. For the foreseeable future, I believe I am stating the obvious. Prisons are here to stay, and there will probably be more of them. That does not mean, however, that we cease to question our need for them, our reasons for deprivation of liberty, and our responsibilities for the manner in which we operate our institutions. Whether we are idealists or pragmaticists our options remain many. Let us not fail in our search for fresh and new ideas, or become complacent about those we currently have in place.



John Duggan has had a long career in corrections. He joined H.M. Prison Service in 1959 as a prison officer at H.M.P. Wadsworth in Brixton, London, England. He became assistant governor, 1962, at H.M. Borstal and was promoted to deputy governor and then assistant governor in 1969.

He came to Canada in 1972 as deputy superintendent, Burtch Correctional Centre. In 1973, Mr. Duggan opened the Ontario Correctional Institute, Brampton and in 1975 he became regional director, Western Region. He is now the executive director, Institutions Division.

Mr. Duggan is married, has four children, and is the proud grandfather of Tara Anne, and Kalli-Anne.

What Does Incarceration Cost ?



by Michael Algar

The cost of incarceration appears to be a straight-forward question but the answer is often elusive. It varies from country to country, and in Canada, from province to province. Even in Ontario, which is the province I plan to examine, costs are related to the institution's usage, number of inmates, etc. The information I plan to use is for the fiscal year 1980-81 and it must also be said that I am using the word 'cost' in a purely financial sense. Readers will recognize that the social costs of incarceration are a much broader extension of this question and well beyond the scope of a short paper.

Per Diem Costs, the traditional answer

Having narrowed the scope, any answer is fairly complex. The short answer is to quote a per diem rate. This measurement, which has been in use for many years, is obtained by dividing the total annual cost of operating an institution by the 'day's stay'. Day's stay is a term used to express the total of the daily inmate population of all institutions for the financial year. In 1980-81, the per diem rate ranged widely among institutions, from a low of \$44.18

per day to \$146.34. The major reasons for this wide difference are the utilization of the particular institution, and to some extent, its size and the range of programs offered.

In 1980-81, the average per diem cost was \$60.32. This traditional figure is widely quoted, sometimes in the press, and it can be sadly misunderstood and misused.

The major elements which go into the ministry's average per diem costs are shown in Figure 1. It shows that, by far, the largest cost elements in operating an institution are staff costs. These costs, which include salaries, overtime, and benefits amount to an average of \$48.38. The next most significant cost group includes the supplies and expenses relating to the inmates. On the average, food, clothing, cleaning supplies, incentive allowances, free tobacco, etc., cost \$5.73 per day. Repairs and maintenance, utilities, upkeep of grounds, and payments to municipalities in lieu of taxes cost \$3.31, while miscellaneous items, take up the remaining \$2.90.

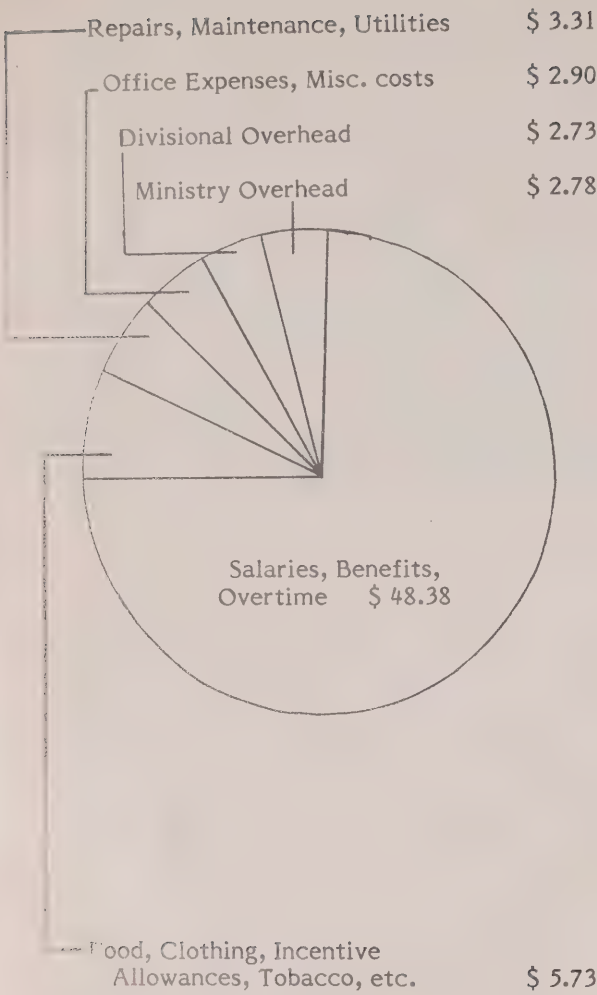


FIGURE 1 - Distribution of average per diem costs ... 1980-81

On top of these institutional costs, there are other expenses in the ministry, commonly described as 'overhead'. The program administration of the Institutions Division adds an average of \$2.37 per day to the institutional costs. This includes the operating cost of the executive director's office, the regional offices and institutional program support services, and the institutional staff training branches. The ministry administration program which includes: the minister's office, deputy minister's office, planning and support services division, personnel, and inspections and investigations provides a second level of overhead. If these costs are spread over all three of the ministry's programs in proportion to their cost, then this would result in the addition of \$2.78 per day. So, following these arguments, the ministry's total average per diem cost was \$65.15 in 1980-81.

Real Estate Costs - A Difficult Question - Often Ignored in Canada

Government accounting systems in Canada have not usually included real estate costs in the operating costs of departments or ministries. They are often a large element of the cost of government and it is important to recognize them, under some circumstances. The Ministry of Government Services, which acts as the government's real estate organization, spends money on the Ministry of Correctional Services' behalf. In 1980-81, a very low year for expenditures, they spent some \$1.8 million for various small items such as repairs, renovations, and alterations. This could be said to add about 95¢ to per diem costs of institutions.

Far more significant are the costs of buying land and putting up buildings. Some correctional institutions are so old that cost records no longer exist. Besides, inflation, over a hundred years, would render any figures in relation to old buildings irrelevant. There are, however, excellent records of newer buildings. An example is the Metro Toronto West Detention Centre. The land cost \$634,000 and the building cost a further \$16,469,000 when completed in 1977. If the site had

been leased from Ministry of Government Services, on a perpetual lease at 9½ per cent (the then prevailing rate for government borrowings in Canada) and the building leased on a lease-back basis at the same rate over a 50-year-period, the total annual cost of this institution would be \$1.64 million. This would add \$13.11 to the real per diem costs of this institution.

In Ontario's correctional system, there is a mix of small, old buildings, and newer but larger buildings, and it is reasonable to say that real estate, including renovations and alterations, adds about \$10 to our overall per diem costs. This means that \$75 was a reasonable overall per diem figure to have used in 1980-81.

Land and building costs have increased since the ministry's newest detention centres went into service in 1977, and interest rates have doubled. It could be reasonably expected that the real estate component of the institution's costs, in buildings constructed in 1981, would be \$30 per day and the total average per diem cost would have been about \$95 in such institutions in 1980-81.

This total average figure can be very useful, for example, when examining the ways in which the ministry uses its buildings, or in developing long-range plans for accommodation or the use of alternatives to incarceration. However, I feel that we should adjust the figure to about 12 per cent inflation for years following 1980-81.

Averages can be useful – and dangerous

Simple averages can be very useful. Institutional per diem costs can be used, for example, to compare the relative cost efficiency of institutions or programs, and often they are used for cost projections. However, they are dangerous. As was pointed out earlier, the per diem costs of our individual institutions differ by more than \$100. It might well be found that a small, specialized institution or unit, constructed in the future will be operated at an average per diem of \$200 (expressed in 1981 terms).

Designers of planning scenarios should, therefore, be very careful of financial averages and be sure they are asking the right questions. Certainly a very careful examination is necessary and sometimes the answer lies in a judicious use of incremental costing concepts.

Incremental Costing

Members of any large family will see some lack of logic in all of the figures presented so far. They know that a guest, especially one who is a temporary addition to a family with a number of children, can cost the family very little. Clothes can be shared, and meals can be spread around. Household expenses such as rent, utilities, and so on will not change appreciably, if at all. If the guest becomes permanent, then some small additional costs – food, clothes, etc. – will creep in.

If more newcomers are added, then the family may be faced with some difficult decisions and added expenses. Rooms may be added and bank loans sought. Perhaps a new and larger home will be necessary, which could entail a large mortgage at unattractive rates. The newcomer whose arrival prompts these decisions becomes a very expensive family member indeed, and the cost of living for the entire family may go up sharply.

If this experience is applied to actual institutional costs, we see some very different answers than the averages which have been thus far presented.

The single inmate, who represents a typical increase in an institution's population, probably costs little more than the \$5.73 per day for food and clothes, etc. But, if this one inmate is joined by 19 others and they become a permanent increase in the population, then an unused unit may be opened. This requires more staffing, perhaps more utilities and upkeep, and office expenses go up. The average cost of those inmates starts to approximate the average institutional per diem of about \$60.

If the new arrival is joined by 499 more inmates, the increased cost depends on

what the ministry does. If it spreads this population increase all over the system, then the inmates add little to the costs of the institutions. If an otherwise unused unit must be opened to accommodate the increase, the costs of the inmates housed there will probably approximate the prevailing per diem costs. However, if new institutions are opened, then that group of inmates is likely to cost something in the region of \$95 or more per day and the overall average cost in our system will increase in proportion.

This example introduces a concept known to accountants as incremental or marginal costing. A recognition that averages are frequently misleading and that costs usually increase in rough plateaus rather than curves is the key to an understanding of the true costs of operating institutions.

Figure 2 illustrates these concepts, and the way in which, admittedly deficient, average costs can be influenced by different circumstances.

Summary - Some Answers

This paper has not fully answered the question of the cost of incarceration, even in the limited financial use of the term. It does invite further exploration and urges caution. However, the following figures, based on Ontario's experience in the financial year from April 1, 1980 to March 31, 1981, can still be very useful:

- A day's housing for one inmate cost	\$5.73
- The average institutional per diem rate was (with a range of \$44.18 to 146.34)	60.32
- The average ministry per diem rate was	65.47
- The average per diem cost to the government was about	75.00
- The average per diem government cost of a new institution had it been built in 1980 would have been about (with a range of up to \$200)	95.00

Michael Algar is a registered industrial accountant. He joined the Government of Ontario's Treasury Board Secretariat in 1967, following experience in the Ford Motor Company of Canada and elsewhere in private sector as a systems analyst and an accountant.

Mr. Algar was appointed executive director, administration, Ministry of Government Services in 1971 and assistant deputy minister, Planning and Support Services, Ministry of Correctional Services in 1973.

He is married and has three grown-up daughters. His outside interests include travel and sport aviation; as a writer, he is a frequent contributor on a variety of subjects to a number of Canadian newspapers and magazines.



	abnormal total costs	\$200 \$100	upper level or abnormal total costs
			\$95.00
Government Average Cost Element	land & institution rent new construction - \$30	\$ 90	upper level of average total cost in modern buildings
		\$ 80	
			\$75.00
	land & institution rent existing buildings - \$10	\$ 70	average total cost existing buildings
			\$65.47
	divisional and ministry overhead - \$5.15		average ministry cost
			\$60.32
	office expense, misc. costs, etc. - \$2.90	\$ 60	average institutional cost - upper average incremental limit
	repairs, maintenance utilities, etc. - \$2.90		
	staff salaries, benefits, overtime - \$48.38	\$ 50	
		\$ 40	
		\$ 30	
Ministry Average Cost Elements		\$ 20	Incremental Cost Plateaus
		\$ 10	
	food, clothing, incentive allowances, tobacco, etc. \$ 5.73	\$	lower average incremental limit

FIGURE 2 - Relationship between average cost elements and incremental cost plateaus.

Self-Sufficiency

by David W. Clayton

Cost cutting is presently a way of life within provincial institutions because of the present economic climate. The Ontario Ministry of Correctional Services made a policy decision, in the early part of 1980, whereby institutions would pay their own way through their involvement in agricultural programs. At the time the decision was made, the ministry felt that institutions should become self-sufficient productively in order to ensure cost savings, reduce the tax burden to the taxpayer, and bring about viable programs for inmate involvement that would enhance the inmate's skills and attitudes towards employment.

When the commitment to develop self-sufficiency programs was made, a direction was sought which encompassed the areas that the ministry could become involved with in terms of agriculture and self-sufficiency. Assessments were made in order to determine the money that was needed for the purchase of capital and non-capital items. A progressive policy was developed that encouraged agricultural productivity. Evaluations were made to determine the cost recovery on the initial capital outlay that was needed to purchase equipment, buildings, etc., that would be necessary to begin the self-sufficiency program.

Farming and agricultural pursuits are not new to this ministry. Until 1974, many of the larger correctional centres had farming operations. The ministry phased out this program, however, because it was felt that it was more economical to purchase produce in the market rather than grow it through farming operations.

The introduction of the self-sufficiency program meant the purchase of farming equipment, recruitment of skilled staff, and a planned agricultural program that would ensure viable and effective results. Initially, the emphasis was placed on root crops, poultry farming, and pork production. Plans are now underway to determine the feasibility and cost effectiveness of beef production on a ministry-wide basis.

The majority of the land that was to be utilized for growing root crops had been lying fallow for a long time. Extensive planning and soil preparation methods became essential in order to determine the drainage needs that would make the land arable. The benefits of drainage had to be carefully weighed against the cost of cultivation, conversion of marginal land, and the root crops that would be cultivated once the land was ready. Corn was planted initially because it needed a minimum of care-taking and if the weather factors were favorable, the harvest yield would be high. In addition, corn would produce fodder that could be used in poultry and pig farming. Root crops were planted (i.e. carrots, potatoes, beets) for inmate consumption.

A commitment was made by the ministry that small farmers and local businesses would not be affected. The underlying philosophy ensured that the produce harvested was to be used only for institutional needs and the surplus was to be used as fodder for poultry and pigs.

An essential component of the program was the construction of storage facilities for the root crops. The capital investment necessary for this construction was minimal because inmates provided the labor needed. During the planning stages of the program, it was determined that inmate involvement in the construction would provide them with a meaningful and productive work experience.

Transportation had to be arranged so that produce from the various correctional centres could be taken to institutions that did not have the land area necessary for large scale production.

At the outset, there was some public resentment because the local farmers felt that the ministry program would affect their crop production. However, those people who objected did not realize that the ministry had planned to rent local equipment and use local transportation facilities and, in some instances, local farmers provided their specialized skills for the success of the program.

Now, the ministry has the support of local communities and the inmates who see this program as a viable and productive ministry venture which teaches animal husbandry skills and motivates interest in farming.

During the initial period of operation in 1980, the cost savings were difficult to evaluate because the capital expenditures for the purchase of equipment, land preparation, and construction costs exceeded the return. However, the 1981 growing season has produced visible profits.

The second year of the self-sufficiency program has continued to be a learning experience. For example, we have learned the effects of inclement weather on crop yields; the effect that various vegetation diseases can have on the quantity and quality of produce; and the effect of not having the necessary resources available in order to carry out the operations.

In 1981, the ministry implemented a more unified and cost efficient distribution system, improved on storage facilities, and, established a more efficient plan among the institutions that meant that produce was grown to meet the ministry's overall needs. Based on these facts, it is felt that the self-sufficiency program has obtained a certain measure of success. In the future, the ministry's goal is to continue to become more efficient in conducting its operations so that institutions will be able to obtain a higher degree of self-sufficiency.

Finally, it must be noted that an agricultural program of this magnitude and nature cannot succeed by planning, delegation, and implementation alone. It requires the cooperation of staff and inmates.

David W. Clayton joined the Planning and Support Services Division of the Ministry of Correctional Services in 1976 in the capacity of budget and financial analyst. In 1978, he was promoted to the eastern regional office, Kingston, Ontario, as regional business administrator.

Mr. Clayton's primary duties as regional business administrator are to provide financial advisory services to both institutions and the regional director, Eastern Region. He was instrumental in the planning, implementation, and co-ordination of the self-sufficiency program for the region.

Mr. Clayton is married with two children and resides in Kingston, Ontario.



Industrialization in Institutions

by Brian Galt and John Pahapill

One of the major thrusts of the Ontario Ministry of Correctional Services is preparing offenders for their return to society. This philosophy can be seen in action throughout the ministry, but probably nowhere better than in the area of industrial programs.

We make use of a number of industrial models, all of which have their place within the total correctional system. The first model involves a private company setting-up part of its plant on institution property, with the possibility of either party supplying the machinery and equipment. A rent is paid that will reflect this. The company employs outside staff, as well as inmates, and they are paid the prevailing wage - either as an hourly rate or a piece - work rate. There are presently two such industries in operation: an abattoir at Guelph Correctional Centre and an auto parts plant at Maplehurst Correctional Centre. A unique feature of the abattoir is that its inmate workers belong to a labor union along with the outside workers.

The second model involves a private company managing the industry under contract with the ministry. In this case, the ministry is responsible for selling the product in government markets. This is a different concept than the first model where the company sells on the open market with no restrictions. Inmates in both models are hired and can be fired by the company without consulting the ministry. However, the ministry screens inmates before referring them to the company.

The third model is the traditional prison industry run entirely by the ministry. This is generally less demanding with regard to inmate work performance and is often hampered by the normal 'government' problems that will be discussed later. However, it can be successful.

The fourth and final model involves simple work contracted out to the ministry by a private company for a piece-work rate. This generally involves project work and so, is intermittent. It is performed either in a special work area or a living unit, and is supervised by existing staff with no additional cost to the ministry. Sometimes there is also referred to as 'cottage industries'.

The type of industry that can be operated successfully is limited by the characteristics of the inmates available for work in a given institution. The provincial system only receives inmates sentenced to less than two years, but most have sentences that are much shorter than that. The majority of Ontario's inmates are in the 16-24 age group and have very little, if any, previous work experience. Institutional industries, for the most part, therefore involve simple, repetitive, labor intensive work. The types of work include: an abattoir and automotive parts manufacturing which only pay rent, as well as a cannery, licence plate manufacturing, a mattress shop, metal working shops, a plaque shop, sign making operations, tailor shops, and a woolen mill. The annual sales and rent for all operations is approximately \$3 million. The ministry-run shops provide about 30,000 inmate days of work annually, while the outside-managed ones provide another 16,000 inmate days.

The markets that Ontario correctional industries serve are restricted to governments and government supported non-profit organizations. This avoids conflict with private industry and labor groups, and the criticism that inmates are taking jobs away from tax-paying citizens. The current economic situation is making this a sensitive issue and it is very difficult to add new industries or even new products without causing political concerns. The exception to this is the industry model, where a private business locates part of its operation within the prison. Since this involves a private company competing in the marketplace, there is no restriction put on their markets.

Industries are located in various institutions throughout the province and their managers report through the normal institutional structure to the superintendent. At the same time, there is an industrial programs group at main office who are responsible for the overall planning, co-ordination, and administration of industries, as well as for marketing the industries' products. This raises a potential problem with the shop manager who appears to have two bosses. It is probably not possible to avoid this situation completely, since specialized business expertise is needed in correctional industries and this expertise cannot usually be obtained as a career public servant. We have been able to minimize it, however, by regular consultation among all levels involved in the ministry, particularly the regional office. A very helpful individual has been the regional business administrator, who understands well both the institutional and business sides of the ministry's goals and in a way acts as a traffic policeman.

Correctional industries in Ontario became profitable, in total, for the first time in the fiscal year 1980-81 although not every industry generated a profit. The ones that are profitable are expected to stay so and those that are not, should become profitable shortly. A simple industrial accounting system has been installed that records all direct costs of the finished product as well as a reasonable allocation of the

institutions' overhead and staffing costs that relate directly to the industries. Financial statements are prepared quarterly showing profit or loss for each industry as well as the actual cost of each product produced, compared to the standard or originally expected cost. This is only done for industries run by the ministry or managed by a private company for the ministry. It is not reasonable to expect companies which operate part of their business within an institution to provide us with profit and loss information, and no attempt is made to do so. The ministry does however, reserve the right to inspect the company's records pertaining to inmate employment.

The rent companies pay is considered to be a part of the ministry's industrial income. The cost of the main office industrial group is paid from these monies. This group is small, one manager, one business administrator, and a secretary. Specialty project work such as design engineering, drafting, laboratory analysis, etc. is purchased outside. There are presently 37 industrial officers, in the various institutional work shops, each supervising six to eight inmates, on the average. It has been necessary to be alert to ensure administrative work is kept to a minimum, so that no unnecessary costs are added.

In order to become profitable, it was necessary to identify and resolve a number of problems. The most difficult issue to come to grips with was to define and accept what correctional industries are. They are a number of small work-shop operations that can fill specific needs, but they will never be, nor should they become, a significant force in a given market segment. Any attempt to expand will create difficulties, since the business aspects of industries, generally, are foreign to the government environment and tend to cause resistance and fear. Growth must therefore be slow and handled carefully.

The next step was to identify unprofitable products and either eliminate them or take some action to make them profitable. This involved a careful analysis of all products and an identification of the actual costs,

particularly the proper allocation of overhead. This resulted in some surprises. Some products that were considered to be unprofitable were found to be profitable, and vice versa. Even with this additional information, it is sometimes difficult to drop 'favorite' products.

A related problem is that shops sometimes have a tendency to try to fill all of the institution's needs. However, it can be cheaper to buy than to make. The view that an item should be produced in-house because the staff and overhead costs are already there must be resisted, since there can also be the lost opportunity cost of using the time more profitably to make other products. A good example of this is our recent decision to discontinue making a variety of short run clothing items and concentrate on the large volume items.

The lack of any finished goods inventory made it difficult to satisfy customers' needs, as well as to go after new business. It was necessary to build up an inventory and then the whole operation improved as production runs became longer, production planning became more meaningful, and customer confidence improved. A beneficial side effect was the improvement in relations between the main office and institution staff as marketing and production personnel developed confidence in each other.

With some shops it soon became apparent they would probably never become profitable, either because we simply could not compete in the marketplace or the shop could not be kept busy all the time. There was a reluctance to give up something that was occupying inmates and in the recent closing of our tubular metal furniture manufacturing shop, for example, it was necessary to find a new work program before the shop could be closed.

Almost all prison industries have machinery that is more or less out of date, if not obsolete. This is a handicap when it comes to rates of production, but is an advantage in meeting another objective of correctional industries - that of employing as many inmates as possible. This is not a

serious problem if it is accepted that there is only so much that institutional industrial programs can do. They can achieve a certain level of productivity; they can make some products profitably; they can keep inmates occupied and teach him some basic life skills; but they cannot provide every inmate with skills that will allow him to walk into a job on the street. Work in correctional industries can however, aid the better motivated individual to obtain and hold a job on release.

The short length of stay for inmates in the provincial system creates problems for a number of institutional programs. All sentences are less than two years, but the average is three or four months. However, when transfers for behavior and other reasons, and the needs of community programs are taken into consideration, there is not much time left. Add to this the fact that the inmate generally has had a lifetime of problems and little, if any, work experience. At times it seems amazing that anything gets done, but as in any industry it is the dedicated staff on the shop floor who make the place go.



Bryan Galt is a chartered accountant who joined the ministry in 1975 as assistant chief accountant. In 1979 he moved to the industrial programs branch where he is business coordinator, industrial programs.

He is active in sports and quite often can be found organizing sports activities around the office and ministry charity dinners.

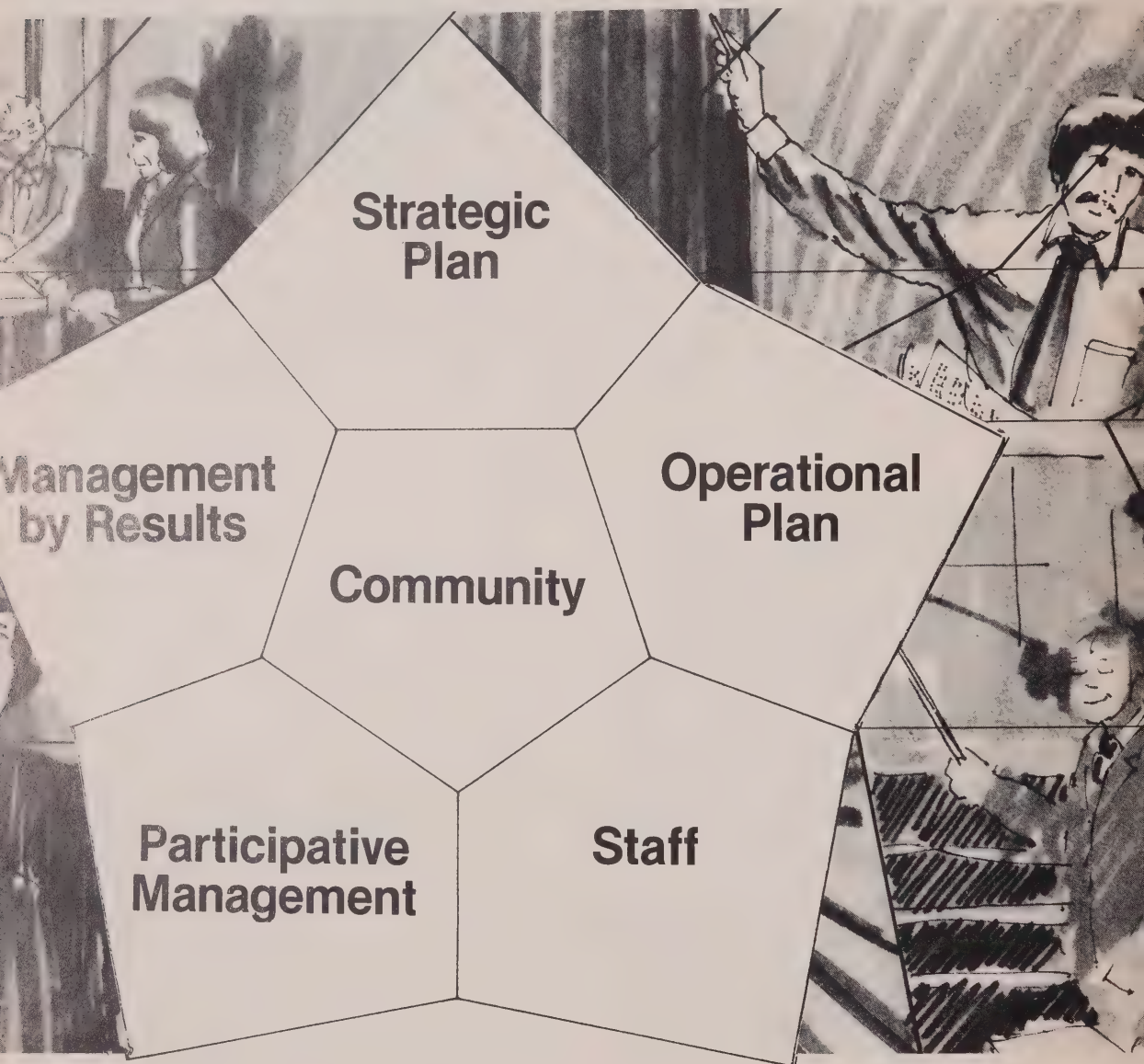


John Pahapill is an engineer-manager with degree in mechanical engineering B.A.Sc., University of Toronto 1957, and in management science M.A. Sc., University of Waterloo, 1979. He is a member of the Association of Professional Engineers of Ontario.

Prior to joining the Ministry of Correctional Services in 1974, he held various engineering and management positions in the private sector, with a specialty in heat transfer systems and heavy steel products design and manufacture. Since coming to the ministry, he has been heading its multifaceted industrial programs; and most recently, also its energy conservation and waste management functions.

Mr. Pahapill is married and has two sons; his hobby is (ethnic) community work and some fishing when time permits.

Management: An Integrated Approach to Planning



***"If you don't know where you are going, you
will end up somewhere else."***

***Dr. Laurence J. Peter
Author of Peter Principle***

by Arthur F. Daniels

BACKGROUND

In recent years, the Community Programs Division of the Ministry of Correctional Services has experienced a dramatic growth in its client workload. For example, from 1974 to 1981, the total number of people under probation supervision has increased from 26,000 to 75,000. In order to maximize limited human and fiscal resources during this period of growth, the division has developed many innovative program strategies that supplement its core function of probation and parole supervision. Community correctional programs now embrace such diverse activities as residential care, community service, volunteer participation, life skills, employment, bail supervision, and victim service. In the face of this dynamic growth in clients and programs, an integrated approach to planning became essential to ensure an ordered and effective development of community correctional programs. The planning model must, by its nature, be adaptive to take into account several external factors which modify and change the correctional system. These external factors include public attitudes towards crime, tax reform, and government accountability, to name but a few. Without a structured and integrated management planning system, the organization would collapse in chaos. There would be no method for achieving and measuring goals; employees would function separately duplicating each other's efforts; and decisions would be made without adequate information. In short, activities would be totally ad hoc and would be responsive only to crisis.

An integrated approach to planning makes use of staff expertise at all levels in the organization as well as input from the community through volunteers and private agencies. In the Ontario government's overall statement of management philosophy, the importance of the individual's contribution is underscored: "The Government of Ontario believes that the effectiveness of its organization hinges on human resources and management process. The management process channels, in a purposeful manner, the vitality of each individual. It brings people together in goal-oriented teams and creates an efficient network of communication."

ORGANIZATION

The participation of staff, at all levels in the organization, is fundamental to the integrated planning model in the Community Programs Division. In order to maximize staff participation, a reorganization and realignment of decision-making took place in 1978. The nucleus of the new community corrections organization was the existing probation and parole service. Prior to the reorganization in 1978, the probation and parole services reported through three levels of management before it was in contact with the essential decision and policy-making body of the ministry, the senior management committee. Within the probation and parole services, there was also a three level hierarchy between the top decision-maker in probation and the line officers providing services in the community. The reorganization eliminated two levels of the organizational hierarchy and provided a four level organization from senior management to the local officer.

In addition to the tightening of the organizational hierarchy, which permitted an easier two-way flow of communication, the position of area manager (the first-line management position in probation and parole) was strengthened. It became a financial cost centre and was delegated decision-making authority in the areas of personnel, financial, and operational programming. This position was further strengthened by the realization that the province required more local decision-making centres than existed prior to the reorganization. In other words, distinct communities and neighborhoods were recognized by the addition of area managers who would be responsive to changing requirements and needs. With this decentralized and locally responsive organizational structure in place, the elements of the integrated planning model would be more easily implemented, assuring the cooperation and understanding of the staff at all levels.

ELEMENTS OF THE PLANNING MODEL

Correctional managers are continually faced with a complex and changing environment. External factors continually assail many of the beliefs and directions within the correctional system. The nature of corrections, as a public institution, requires it to be responsive to the changing needs in society. It is essential that a clear set of priorities be established within this public environment in order to guide the organization to set realistic objectives in the use of scarce resources.

In 1965, the ministry recognized the need for an organizational philosophy which would guide its planning over the next several decades. The Statement of Purpose of the ministry served it well during the 60's and early 70's. During that time, emphasis was placed on institutional programming which encouraged a humane and rehabilitative environment. This goal statement, however, was developed when the ministry was known as Department of Reform Institutions. As the ministry evolved its community correctional component, it was necessary to rewrite its statement of purpose and to acknowledge that certain principles and goals would have to be restated.

In 1979, the ministry commenced a strategic planning exercise. It was to establish goals and to guide the development of the organization over the next five year period. The strategic plan included a goal statement which recognized, for the first time, the major role that community corrections would play within the organization. The goal statement was also supported by a series of principles. Again, these principles would emphasize the need for correctional programs that would assist offenders to develop and maintain responsible behavior within the community.

COMPONENTS OF THE STRATEGIC PLAN

- (a) **Goal Statement** - The goal statement provides a purpose, a mandate, and a broad philosophical direction for the ministry's programs. Although these goals are broadly stated, it is important to define them in a way that provides a framework for management choices and decisions. Therefore it is important that goal statements do not reflect activities but instead state the ends that are to be achieved. For these reasons goal statements are likely to remain unchanged from year to year.
- (b) **Objectives** - Another component of the strategic plan is the objective. Objectives are specific, measurable, and time-limited targets. They represent an exercise in logic, moving from the abstract to the concrete or from the general to the specific.
- (c) **Strategies**
- The plan is further broken down into activities which are designed to assist in achieving these objectives. Activities, unlike goal statements, are not sacrosanct but are responsive and descriptive. An example of the strategic planning within the community correctional framework can be demonstrated by the following illustration:
 - The goal statement is "to make available to clients those program opportunities necessary to assist in making positive personal and social adjustments".
 - The objective is "to encourage demonstrated responsible behavior from offenders".
 - The activity would be "participation of offender in community service, victim-offender reconciliation, and restitution programs".

As you can see from the above illustration, the focus has moved from a broad philosophical statement or goal to a more specific objective which is then translated into activities that are adjustable and measurable.

STRATEGIC PLANNING

Strategic planning is carried out at the senior levels of the organization. It provides a broad framework for the other elements of the planning process which are less abstract, and it can draw upon the operational levels of the organization.

OPERATIONAL PLANNING

Operational planning represents a translation of the strategic plan into specific sets of planning decisions. These decisions are ranked in order of priority and they outline resource requirements and expected results. In order to respond to requests of resource allocations and workload requirements, the operational planning process begins a full twelve months prior to the commencement of the fiscal year. This allows an opportunity for local staff to survey both client and community needs and to begin to translate objectives.

The operational plan of the Community Programs Division is an aggregate of 42 area plans and nine regional plans. At each level priorities are set. In making decisions in an environment of competing priorities and financial constraints, it is essential that operational plans state proposals in order of priority. The emphasis of ranking a program on a priority basis is an effective communication tool among the various levels of management. It is essential to the operational planning process that programs derive from the field, and that as programs are reprioritized the reasons for the repriorization are communicated to each level of the organization.

This process of two-way communication underscores the importance of staff participation.

An example of operational planning can be seen in the following illustration. One of the strategies for 1981-82 involved the development of parole supervision programs for offenders serving less than six months. This program strategy represented an aggregation of several local probation and parole office plans. In one case, a probation officer had surveyed the institutional population in a large metropolitan jail and found many offenders were not aware of their eligibility for parole release under six months. His proposal involved additional resources of staff, both to inform the offenders of the program and to develop case histories for the parole board. The same strategy also appeared in the operation plan of a mid-sized community in southern Ontario. Unlike the large metropolitan program, this initiative to provide parole for offenders serving short sentences, came from a local voluntary agency which was involved with the ministry in a discharge planning and aftercare program. Both strategies were supported through all levels of the organization and were included in the **1981-82 Divisional Operational Plan**. The project was then piloted in the mid-sized community to test out both the process and the results. This strategy is representative of the types of programs which are initiated by local probation staff or by local community agencies.

DIVISIONAL WORK PLAN

The divisional work plan further refines the operational plan. It assigns actual financial and manpower resources to the operational objective. In order to anticipate the effect of the

budget allocation, workload, and possible fiscal constraint, the **Divisional Work Plan** aggregates all local decision packages into three scenarios which:

<i>I</i>	<i>II</i>	<i>III</i>
<i>reflects complete and total funding of the division's workload increases;</i>	<i>reflects status quo with no financial increases to offset increased workload;</i> <i>workplan is repriorized and reorganized to cope with financial limitations;</i>	<i>reflects five per cent constraint against the previous year's base budget; local managers must outline selective expenditure reductions which will result in service reduction.</i>

It is important to develop the three planning scenarios several months before the start of the fiscal year. Working within an environment of a public program, the planning process must be adaptable and must be able to respond to a restraint should general government revenues decline or interest rates prohibit the increasing of the provincial deficit. Furthermore, it ensures program managers will anticipate how they will continue to provide services with less resources.

The fact that the division has three scenarios has enabled it to respond, over the past several years, to variations in the public sector. One year, faced with constraint to its budget, the division was able to respond by referring to the divisional work plan. Because program objectives has already been prioritized, the decision making process was shortened. Consultation had been undertaken in the planning process so that remedial action was immediate and the savings were achieved. In another example, funding became available through an addition of lottery funds and the division was able to respond immediately with innovative programs that were contained in the operational plan but were not funded initially because they were beyond the funding level on the priority list.

These two events actually occurred within the same fiscal year, and underscored the need for a responsive planning model which may be adapted to a changing environment and the reality of managing in a public enterprise.

MANAGEMENT-BY-RESULTS

Management-by-results (MBR) is the reporting and monitoring system used by the division to measure resource utilization and results achievement.

The results are continuously compared to the stated objectives in order to measure progress in achieving the substance of the operational plan.

In 1981, the division established an MBR Improvement Team to review the existing MBR format and to develop indicators which would better reflect the expanded operational planning objectives of the division, and, on a larger scale, the objectives of the ministry.

The MBR format, utilized in 1981, involved over 300 performance indicators which were used to monitor performance and measure the effectiveness of resource utilization. The results process also served a more general purpose by enabling the ministry to publicize the

effectiveness of its programs through public statements given by the minister and other senior staff. The ministry, in responding to media enquiries, is able to give immediate and effective responses to program results. Much of the information gathered found its way into various communiques and publications of the ministry. The reporting mechanism demonstrated the accountability of the ministry to the public which it serves. An example of the results process is seen in a review of the community residential service programs. In Ontario, there are 53 community residences for offenders. The MBR indicators for 1981-82, for this program, represent an aggregate of each centre's operational results in 1981-82:

- *offenders living in these houses earned \$2.5 million, paid room and board \$600,000 and paid support to their families \$500,000, paid debt and restitution of \$250,000, and made income tax payments of over \$300,000.*

At the ministry level, these results were incorporated into several ministry public statements. They underlined the general principle that offenders, who are permitted to live in community residences, can contribute to the community by earning wages, supporting their families who would otherwise be on welfare, and, becoming tax-paying members of the community.

At the local level, a residence such as the Stanford House, operated by the Fortune Society, would be able to inform its community about the specific results it has achieved.

- *residents earned \$96,000, paid income tax of \$12,000, paid room and board of \$30,000, paid restitution to victims of crime of \$3,000, and paid family support of over \$6,000.*

As you can see, the reporting mechanism is an aggregate of local results culminating in a corporate result. The results of resident earnings in community resource centres directly feed back to an objective within the ministry's strategic plan - it encourages offender responsibility. Once again, the example reflects movement from the very broad objective within the strategic plan (offender responsibility) to a specific and measurable result (earnings, restitution, etc.).

COMMUNITY AND STAFF PARTICIPATION

A critical factor in the planning process in the Community Programs Division is the involvement of staff in the preparation of the operational plan. Because of the diversity of the programs delivered throughout such a large province, the input of staff, at all levels, is essential in order to deliver programs that reflect community needs. Community programs are provided in over one hundred locations in Ontario, ranging from remote native communities on the James Bay coast to large urban centres. An operational plan must reflect this diversity, and can only be effective if it recognizes the input of the staff and agencies at the operational level.

Cumulative staff participation has resulted in many innovative programs. It has increased the opportunity for information sharing, not only in the daily workings of community corrections but also in planning for its future.

The concept of 'participative management' is further extended to include local community agencies who, through contracts, provide additional service in community corrections. This broad base of information sharing and joint planning ensures an effective operational plan.

As you can see from the above, the Community Programs Division is committed to community involvement in its planning cycle. This was recognized in 1978 in the report on **workload** which recommended that "Concentration is the key to effective results". Community corrections should move away from its traditional one-to-one orientation of service to provide or to assure, in cooperation with the community, a range of human service programs.

The service must be able to establish better links and more effective cooperation and use of community agencies and resources.

In the period from 1978 to 1982, the involvement of the community expanded through the use of fee-for-service contracts. They involved local community corrections agencies and volunteer groups. This past year more than 200 programs, valued at close to \$10 million, provided service to community correctional clients. In addition, more than 1,600 volunteers worked with probationers and parolees within the division. The effective response of individual citizens, community agencies, and staff would not have been possible without an integrated planning model which has kept initiatives and projects focused on common strategies and goals.

Mr. Daniels joined the Ontario Ministry of Correctional Services in 1966 as a personnel trainee after graduating from the University of Western Ontario. From 1967 to 1970 he was employed as regional personnel administrator for eastern Ontario. In 1970 he became assistant director of personnel responsible for labor relations and in 1973 he became director of personnel.

Mr. Daniels was appointed acting executive director, Program Consultation and Development Division for the Ministry of Correctional Services in 1977.

From 1978 to 1982 he was executive director, Community Programs Division. Mr. Daniels is currently assistant deputy minister, operations, Ministry of Community and Social Services.





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FACULTY OF SOCIAL AND HEALTH SCIENCES
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Director of Studies and Head of School:
Ken Pease MA PhD FBPsS

Dear John:

A couple of months ago, on a wet Belfast morning, my mood was lifted by finding in my mail a copy of **correctional OPTIONS** which you had sent to me. The next week my mood was lifted still further by getting a second copy from another friend. I ended up with four copies! My first response to this small mountain of paper was to feel touched by the warmth of my Ontarian (is that the word?) friends, second to be impressed by the initiative which the publication represents, third to distribute all but one of my copies to people who will find them of interest (so the duplication of my friends' efforts was not wasted), and fourth a desire to share with you some of the recent developments on the English scene which may be of interest to the readers of **correctional OPTIONS**, for these are interesting days in Britain.

During part of 1980, prison staff were on strike, and various expedients led to a reduction of around 3,000 in the number of people incarcerated. In 1981, however, the relentless increase in the prison population was resumed, rising once again past the 44,000 mark, putting such pressure on the system that one outraged prison governor aired his disgust in the *London Times*, referring to his prison as a 'penal dustbin'. This was followed by local industrial action in Manchester in protest at the pressure being exerted on Strangeways prison in that city. I think that was the first action ever by prison officers in this country in support of prison reform rather than a claim for improved pay and conditions of service.

The minister responsible for prisons, Mr. Willie Whitelaw, has been preparing the ground for some time for an attempt to reduce the size of the prison population. At present, in England and Wales, prisoners sentenced to 18 months or less have to serve at least two-thirds of their sentence, more if they lose 'remission of sentence for good conduct'. The proposal of the minister was to introduce supervised release after one-third of a prisoner's sentence had been served, so that, for example a man sentenced to six months imprisonment would be imprisoned for two, released but supervised for two, and then completely free. This would not be an unreasonable development, since prisoners with longer sentences are eligible for release after serving one-third of their sentence, so the process could be seen as bringing short sentence prisoners more into line. Certainly the effect of the reform would be substantial, yielding up to a 10 per cent reduction in the numbers incarcerated.

I wrote 'would be' but should have written 'would have been' since the proposal is not to proceed into law. Why not? There are conflicting views, but one basic reason appears to be opposition from judges, who declared themselves prepared to pass longer sentences to offset the effect of earlier release. It is at times like now that the unhappy aspects of the separation of powers doctrine are most apparent. However, faced with a crisis over numbers, the minister had to do something. He announced an accelerated prison building program (the effects of which will not be apparent for some considerable time), the possibility of introducing legislation to permit him to authorize early release of non-violent prisoners (a device which was used during the prison officers' strike, but which could invite the same kind of retaliation from the judges as the proposal he had earlier abandoned), and finally the introduction of partially suspended sentences. This last deserves particular mention.

cont'd. pg. 26



Dear Ken:

As usual it was good to hear from you -- and to catch up on the changes in your personal life as well as the criminal justice 'scene' in the United Kingdom.

If Northern Ireland has been a big switch for you, returning to the 'field' in a purely operational capacity has been somewhat *déjà vu* for me, though it is the first time I have worked directly in the probation and parole services. Having been one of those whose job it was while in main office to promote community correctional options, it is perhaps proverbial poetic justice that I now have the task of implementing them in what is one of the busiest offices in Ontario. Whereas I always try to keep in mind the larger picture -- the changes which are occurring in what has come to be accepted as the criminal justice system -- inevitably one does not have the same perspective when assigning pre-sentence reports fairly, and ensuring that there are sufficient typists on hand to type them as soon as possibly because of the sometimes extremely short remand dates, becomes one's number one priority! All of which brings me to the developments you speak of regarding 'short-term parole', as it is being referred to here.

Faced with the prospect of double -- and triple -- bunking, the Ontario Ministry of Correctional Services has reactivated plans to build new detention/remand facilities. In the heady days of just two to three years ago when bail verification and supervision appeared to promise so much in maintaining institutional populations at manageable levels, 'Toronto South' as it is popularly known, seemed destined to remain forever on the drawing board. In the meantime, the problem of the short-stay offender (i.e. under six months), has been the object of similar attention to that in the United Kingdom. A greatly expanded and, to some extent, decentralized Ontario Parole Board is now planning to experiment with short-term parole release. Thus far, there has been no discernible reaction from the courts, probably because the proposal has not 'enjoyed' the same high profile as it seems to have done in Britain. On the contrary, the Ontario Temporary Absence Program -- whereby inmates are permitted to leave institutions for purposes of home visits, education, and employment as well as on humanitarian grounds, such as attendance at a close relative's funeral -- has been expanded to such an extent in recent years that it is not unusual now for judges to recommend instant TAPs when sentencing some offenders to short terms. The proliferation of community resource centres -- halfway houses operated primarily for provincial offenders while serving their period of incarceration -- has depended upon the extension of the temporary absence concept to its ultimate -- namely, virtually 'open-ended' TAPs. Thus, were it not for the fact that short parole decisions will be made by an 'outside' Parole Board and the granting of TAPs is the responsibility of institutional superintendents (relying on the advice of internal TAP committees), one might seriously question the value of 'short parole' when in effect the mechanisms for early release and thereby relief from institutional overcrowding are already in place. . . .

As you know from our discussions in the past, fine options -- whereby offenders are permitted to work off the value of their fines by carrying out community service work -- has also been receiving much attention in recent years, particularly in relation to the contribution that fine-defaulters are viewed as making to institutional overcrowding. Depending upon who one talks to, the number of fine-defaulters who could actually be diverted from jail ranges from 'considerable numbers' to so few that -- to use your expression -- they may 'not be worth the candle'. This is not to say that justice officials over here are oblivious to the argument that jailing fine-defaulters is a costly undertaking,

cont'd. pg. 27

In 1967, a law was introduced which allowed prison sentences in England and Wales to be passed but not activated unless a further offence was committed. The purpose of the sentence was clearly to reduce the prison population. If it achieved any reduction, it was very slight because the evidence is overwhelming that many suspended sentences were passed when otherwise a non-custodial sentence would have been imposed, and when suspended sentences really did substitute for prison sentences, they tended to be longer than the active sentence they replaced. The consequence of both these features is that when further offences occurred, the suspended sentences were activated and the prison population thereby swollen. The experience with suspended sentences should have been enough to persuade ministers that the even more ambiguous partially suspended sentence (by which part of a sentence was made active, and part suspended) would not reduce the prison population and may well increase it.

Perhaps one of the difficulties that has beset our attempts to reduce the size of the prison population is the failure to recognize the basic arithmetic of the relationship between receptions into prison, population in prison, and length of stay in prison. Reducing average sentence length is a much more powerful way of emptying prisons than diverting short-term prisoners. For example, diverting as many as half of all the people sentenced to prison in England and Wales would produce only a 10 per cent reduction in the sentenced prison population, assuming that it is the obvious half (i.e. the short-termers) who are diverted. The same 10 per cent reduction could be achieved by a simple 10 per cent across-the-board reduction in sentence length. I don't know about Ontario, but that does not seem unreasonable in England, where sentencers' use of time units is extremely crude. If a four-month prison sentence is too short here a six-month sentence is given. No one ever gets a five month prison sentence, not because it's forbidden, just because, well, it's not done. Further up the scale, if five years is too short, you're likely to get seven rather than six. (This is partly the result of an historical accident which left seven years as equivalent to a period of transportation!) So often in England, arguments of penal reformers are expressed in favor of diverting the petty offender (the drunk, prostitute, vagrant and so on) implicitly as a means of reducing the prison population. Well these groups should be diverted, but it will scarcely affect the size of the prison population when they are. This reasoning is even more true of Northern Ireland than of England and Wales.

In the shadow of the great debate about how to reduce the prison population, the individual tragedies and brutalities go on. On 18 August 1980, a prisoner called Barry Prosser was killed in his cell in Winson Green Prison Birmingham, and three prison officers are to stand trial for his murder. Whatever the verdict, there are many troubling features of the case. A prisoner who eventually gave evidence was transferred to another prison soon after Prosser's death. The cell was cleaned after the death, thereby destroying forensic evidence. The police appeared not to notice the violence done to Prosser's body. **The Guardian** drew a startling parallel with an earlier case where the escape of an IRA prisoner from a London jail led to the governor of that jail losing the job. **The Guardian** notes that there was no suggestion that the governor of Winson Green should suffer the same fate. Is the violent death of a prisoner less culpable than an escape?

Discussion of the IRA escapee brings me to mention of my newly adopted city, Belfast. The troubles are tragic, but the country around is beautiful, and the people friendly. You'd be a lot safer here than in Dade County, Florida. If you visit, let me know. There are plenty of people here who would enjoy an exchange of views, and the least I can do is arrange the meetings after all those copies of the first issue of **correctional OPTIONS**. You will keep them coming, won't you.

All good wishes,

Yours sincerely,



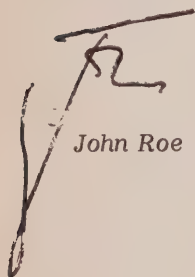
Ken Pease

especially when the vast majority of them spend their time in the maximum security jails and detention centres where the most severe overcrowding is being experienced. The notion of Dickensian debtors' prison is certainly reinforced if one considers that the vast majority of fine-defaulters don't **need** to be in jail from the standpoint of either protection of society or of themselves. At \$60 per day (the currently quoted cost of provincial custody), it would be cheaper for Ontario to 'write off' a \$100 fine, than have a fine-defaulter serve a seven-day term, even when that term is substantially reduced because of earned remission. Of course, similar arguments have been advanced with regard to the posting of bail sureties where bail has been granted by judges and those detained have been unable to meet the financial conditions.

But whereas 'value for dollars' may be currently the battle cry of government in the '80s, it has always been held that justice should properly not have a price tag. . . I am sure even in your tragic part of the world you must have heard about the \$90,000 payment to a mass murderer in British Columbia for information which led to the recovery of the bodies of some of his victims. This raised anew the old concern whether a criminal should ever 'profit' from his misdeeds. Perhaps I should feel grateful that the only sleep I now lose is over who to assign to do that pre-sentence report which is due at the end of the week. . . .

Please continue to keep in touch.

Sincerely,

A handwritten signature in dark ink, appearing to be 'John Roe', with a stylized, somewhat abstract flourish above the name.

John Roe

Ken Pease has a doctorate in psychology. After what he describes as a varied early career, he taught psychology at Manchester University, England, before joining the British Home Office Research Unit. He returned to Manchester University in 1976 as senior lecturer in psychology in the Department of Social Administration. Since 1981, he has been director of studies and head of the school of sociology and social policy at Ulster Polytechnic, Northern Ireland. Internationally well-known for his research writing on the British C.S.O. experience, he is also editor of *The Howard Journal* and was U.N. consultant at the 1980 Caraccas Conference.

His publications are diverse and current research interests are crime and insurance and the relationship between sentencing policy and prison population in western European countries.



John Roe is currently area manager, Mississauga Probation and Parole Services.

Mr. Roe was a journalist for seven years. He emigrated from England in 1966 and worked for three years at a psychiatric hospital, developing community re-entry programs for patients institutionalized for as long as 20-30 years.

He obtained both his Bachelor of Arts (Sociology) and Master of Social Work at Canadian universities. Since moving to the field of corrections he has worked as a social worker in institutions for five years and acted as a federal consultant (on secondment). He returned to provincial corrections in 1979 as manager, project development.

Mr. Roe is married and has three sons. His interests include community theatre, which often involves the sacrifice of his beard when he appears on stage!



Managing the Cutback

by Donald G. Evans

The post-affluent age is upon us. Shifting from a growth mentality to one of retrenchment is not without its pains and problems. For the manager in the public sector, like his fellow colleague in industry, managing in an era of restraint has become a necessity.

Governments are caught in an enormous vice that continues to squeeze budgets as a short-fall in revenue fails to match increased demands. It is an era dominated by scarcity that will require managers:

*"to manage cutbacks, tradeoffs, reallocations, organizational contractions, program terminations, sacrifice, and the unfreezing and freeing up of grants and privileges that have come to be regarded as unnegotiable rights and entitlements, and contracts."*¹

For administrators to manage in a restraint environment means learning to handle "organizational change toward lower levels of resource consumption and organizational activity".² In short, it means learning to do more with less; maintain current levels of service with less resources; and eventually, in some areas, cutting service because of a lack of money, staff, etc.

Restraint management and, when necessary, cutbacks or constraints are painful for any organization, especially organizations that are labor intensive and are geared towards ideological goals. Glen Thompson, former deputy minister of the Ministry of Correctional Services has observed, in relation to the ministry's first major constraint program, that:

*"There was inevitably some negative reaction on the part of many staff members who genuinely believed that budgetary reductions would reduce the quality of the services that many of them had spent a lifetime working to develop."*³

The management of restraint involves making 'hard' decisions regarding staffing and service delivery. These decisions are, as Levine⁴ notes, compounded by the limitations imposed as a result of resource scarcity. He notes that, first, change is more easily accomplished when people have something to gain. But in a restraint environment, people's acceptance of change is more difficult because the usual rewards required to gain consensus are unavailable.

Secondly, he states that the constraints of professional norms, affirmative action commitments, and collective bargaining agreements place additional limitations on the ability of management to target effectively cuts in staffing.

The third issue confronting restraint management is the obvious one of staff morale. Low staff morale makes it difficult for management to increase productivity that might compensate for some of the service cuts. The emphasis on staff cutbacks has been one of the strategies employed by the Government of Ontario. Beginning in 1975, the government introduced a temporary hiring freeze and followed-up in 1976 with financial controls that stopped management's ability to shift budgets around so that more staff could be hired. It became possible to transfer funds from salary accounts to

other accounts (i.e. travel, programs) but not the reverse. Ceilings on civil service staffing levels were also imposed.

In the cutbacks, the government reversed the usual tendency of the private sector to lay off lower level jobs thereby protecting upper management positions. There has been an overall, 15 per cent reduction of management jobs since 1976.⁵ This particular strategy has produced some short-term gains but innovative approaches will have to be introduced in order to blunt the growing morale problem of staff with 'nowhere to go'.⁶

The fourth issue evolves from staffing reductions. It must be acknowledged that cutbacks reduce the enjoyment of staff who are working in an organization and have to make do with less. Levine succinctly notes that

"... it just is not much fun working and managing in a contracting organization as it is in an expanding one."⁷

Given the environment and the issues noted, I will discuss the strategies and interventions developed and being planned in the Ministry of Correctional Services. Particular reference will be paid to the Community Programs Division. In dealing with the need to keep a strong focus on service delivery in light of the growing workload but aware that staffing increases, if available, would not keep pace with demand, a study was undertaken to determine strategies.⁸ One of the major implications of this study was a reorganization in the Community Programs Division that had its major focus on the reduction of the superstructure; a flattening of the organization.⁹ New organizational approaches to service delivery were encouraged.¹⁰

From this major strategy, it became possible to design and develop further tactics that provided managers with the techniques and methods of managing restraint. The main strategy was the provision of training to our managers and the development of strategic and operational planning models in the

ministry. It is within these two major programs, the management development and planning activity, that the tactics for restraint management can be located.

Ministry Planning Model

This model is divided into two phases. The first phase is concerned with long-range planning and attempts to plan for five year periods. The result of this process is the development of a strategic plan. This plan is "a vehicle to translate goals, principles, and legislative mandates into specific and clear program directions."¹¹

The strategic plan also provides a framework for the next phase of planning; the development of an operational plan. This plan represents an effort to provide specific sets of planning decisions. These decisions are ranked in order of priority, together with the resource requirements, and expected results of each decision. Using concepts borrowed from zero-base budgeting techniques, these decision packages are then aggregated into a work plan and organized into a framework that anticipates resource availability.

This framework for resource availability is the result of conferences on the future of corrections. These conferences, for managers and planners, focus on the social and economic factors affecting corrections in Ontario. Three scenarios have been developed to assist our managers and it is these scenarios¹² that form the framework for decision-making.

The first scenario reflects complete and total funding of the workload increases. This position is one of optimism and in the present environment is not likely to occur often. However, certain programs do fall into this category and we are able to start new programs, sometimes, because of savings on program cutbacks in other areas.

The second scenario acknowledges that there will be no budget increases to offset increased workload. The managers then reprioritize and reorganize their workplan to cope with resource scarcity.

The final scenario is designed to aid managers in dealing with a constraint or cutback situation. It reflects a five per cent constraint against the previous year's base budget. The manager must now organize his projected workplan and show selective expenditure reductions which will eventually result in reduction of service.

Management Development

Continual efforts are being made to ensure that our managers are equipped to perform their management tasks. The training section of the Community Programs Support Services Branch has been engaged in developing a management development curriculum. The foundation block of this curriculum has been described previously and is an introduction to the philosophy and principles of management.¹³ Subsequent courses have been developed by the branch which reflect the needs of our managers. The courses follow one of two streams: those that reflect the knowledge and skill requirements in the technical areas of management.

The zero-base budgeting course provides managers with a tool to evaluate their expenses and to plan for expenditures. This technique requires that managers segment their present operations into recognizable activities and then analyze them in conjunction with new programs, in terms of trade-offs which support the goals and objectives of the organization. This particular technique assists the ranking and prioritizing of programs.

Another course introduces methods for developing, designing, marketing, and evaluating programs. This course leads into another which deals with project or program management. These courses provide managers with further methods for evaluating and ranking both present and new programs. The branch intends to continue adding courses to this technical stream and will include areas such as: managing by results, understanding the audit process, and further training in financial management.

The second stream of the curriculum involves the interpersonal side of management. The first course offered deals with general supervisory skills and is intended as a preparation for a second course on advanced supervision methods. Within this stream, we have also offered courses about time management, coping with stress, conducting effective meetings, and contract negotiations. Courses that cover conflict management and performance appraisal are being developed. This aspect of management is extremely important especially since job satisfaction and employee morale are hardest hit in restraint environments. Further course offerings will continue to be developed as managerial needs are identified.

Training and development programs are tied to and reflect operational needs. They are an integral aspect of aiding managers to handle the complexities and ambiguities associated with restraint management. The decision not to cut back on training in the Community Programs Division but rather to increase our levels of training has been a wise investment. Although the branch faces restraints and financial cutbacks, the productivity and creativity of the staff have allowed us to offer a great deal of assistance to our managers and their staff.

Personnel Programs

Another area, not directly linked to the planning process and management development, that is receiving attention has to do with programs for line staff. Efforts are being made to develop more training courses for line staff. Present emphasis is being concentrated on a revision of the basic training course for probation/parole officers and offering courses of specific programs such as restitution and mediation, volunteers, and employment programs. Specific courses that are related to service delivery are being developed and will provide augmentation to the introduction of the new client classification system that is being implemented. Some of these courses will deal with specific intervention strategies such as task-centred counselling.

Staff exchanges¹⁴ with other probation agencies have been introduced. This program offers line staff an opportunity to visit and learn from other jurisdictions. Staff from these jurisdictions visit with our staff here and the exchange of ideas is mutually beneficial.

Another element that is being encouraged is the area of increased staff participation in program development. Staff are asked to become involved on a voluntary basis in the preparation of the operational plan. We feel that the input of line staff is essential in helping us design and deliver programs which reflect local needs.

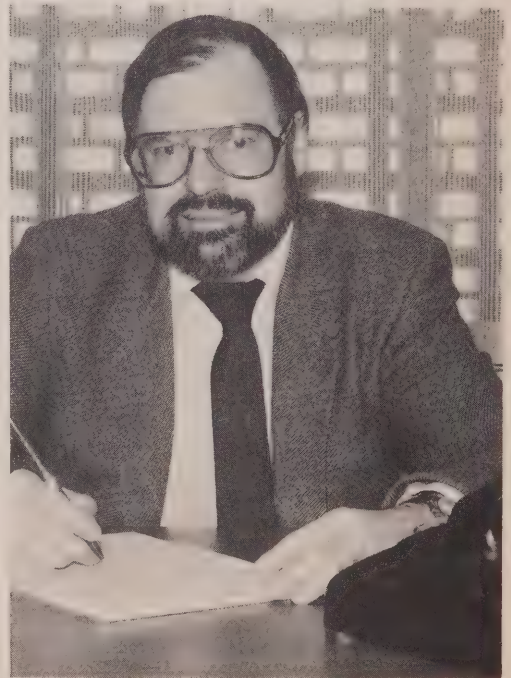
Although there is a lot more that could be done, we have established a course of action that we feel will provide opportunities for job satisfaction and improve productivity by releasing the obvious creativity in our line staff.

Managing in an era of restraint is difficult - tough decisions have to be made and it is not possible to please everyone. But, by developing our planning abilities, providing training to managers, and providing opportunities for staff, we can cope with a measure of efficiency and effectiveness.

Five major questions to ask: -

1. What things can you stop doing?
2. What things can you get others to do?
3. What things can you do more efficiently?
4. Where can you use low-cost or no-cost labor?
5. Where can you substitute capital for labor?

Donald G. Evans joined the Probation and Parole Services, Toronto, in April 1967. He has had experience working with both adult and juvenile offenders. In November 1972, Mr. Evans joined the training division of the Probation and Parole Service as a staff development officer and in July 1975, he became assistant director in the Staff Training and Development Branch. He became the co-ordinator of training for the Community Programs Division in September 1978. Mr. Evans became the director, Community Programs Support Services Branch on April 1, 1980. He is currently acting director, Probation and Parole Services Branch.



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The Art Of Negotiation



NEGOTIATE: "to confer with another so as to arrive at a settlement of some matter . . . to bring about by mutual agreement." (Webster).

by Carl Aspler

Try to associate events with the word negotiation, and chances are that most people will conjure up images of heightened drama - the last postal strike, a hostage taking or a major diplomatic incident. As major media events, we have come to think of negotiation as a melodrama in which big stakes are craftily played out by skillful actors. However, negotiation is an art not reserved only for epic actors. Throughout our lives, we are continually moving from one negotiated settlement to another. Bargaining for a new car, selecting life insurance, conferring with family members about vacation plans, and haggling at a flea market are all, in the spirit of Webster's definition, negotiation. Nor is bartering limited to tangible items. Within all relationships, there is a constant exchange of invisible, yet important commodities. Securing recognition, independence, influence, and affection are but some of the intangible, yet forceful items that support and give a rationale for our relations with others.

Within community corrections, negotiating has taken on an increased importance. Not only does the traditional form of probation and parole supervision involve bargaining within a framework of goal-setting and problem-solving, but the growing emphasis on community development and brokerage of service has expanded the opportunities for new and different transactions. Public education, committee work, and working with outside groups and agencies have meant that the correctional professional must learn new skills in negotiating with the other stakeholders in the human services industry. The whole business of social work can be described as an attempt to negotiate a better place within society for the disadvantaged. Within our workplace relationships, negotiations are constantly taking place. Selling ideas to our peers and supervisors, allocating workload, and resolving job-related conflicts are all subject to negotiation.

Since negotiating is such a pervasive activity, and with continued experience to build on, one might speculate that we

would all be very good at it. Yet now, more than ever before, people seem to require more and more assistance in managing their relationships. The popularity of conflict resolution courses, the growth of community mediation services, and the reliance on litigation as means of solving even minor disputes are testimony to the enlarging problem.

In order to understand how our negotiations break down, we need to take a more concentrated look within the process of negotiation itself. It may then be possible to more clearly pinpoint some of the critical elements which affect the direction and outcome of our negotiations. Some of the factors which the article will look at include the kind of attitude we adopt, how we seek to meet needs and create options, and finally, how we use power.

The Win-Win Attitude

Negotiating, as with just about everything else, is not a random process. It has its structure and subculture, complete with its own special rules of conduct. In football, for example, the job of the centre is to make the opposite side hesitate; to slow down the attack. He does this through intimidation, i.e. he might punch his opponent, elbow him, or do anything to slow him down in order to give his side the advantage in the play. This does not mean that intimidation is a good thing, but rather that within the particular subculture of football, it is condoned behavior. Just as different sports contain their own rules and standards of conduct, the same is true for the process created when two people come together in order to get something for themselves. How the game will be played will not only depend upon what is sought after, but the values and attitudes of the negotiating parties themselves. A person who sees his own needs as paramount, and who regards someone else's loss as secondary will subscribe to a different set of negotiating rules than a person who believes that in order to get, one must also give a little in return.

A person who views his surroundings as a 'dog-eat-dog' world, will bring a particular set of survival-of-the-fittest strategies and tactics to the bargaining table. Similarly, the style of problem-solving that people bring with them will determine how they conduct their negotiations. Some people see issues as divided into polarities - right or wrong, good or bad, and so on. As we will see later in the article, this kind of negotiating style may create a negotiating climate more related to confrontation and challenge rather than that of collaboration and compromise. For a negotiation to be successful, both parties must be satisfied with the outcome, and this can only occur through a cooperative effort. As each person may have different ideas about how to resolve the differences there will be a danger that competitive forces in the negotiation will overwhelm the collaborative ones and could potentially lead to a win for one person and a loss for the other. To reduce the competitive elements, the parties must strive to negotiate within a philosophy of self-centred benevolence; the recognition that you are indeed looking after 'number one', but in a manner that helps other people believe they are 'number one' as well. It is this balance, located far away from the extreme of inconsiderate selfishness on the one hand and self-denial on the other, that helps promote the win-win climate that is so necessary for a successful outcome.

Sensitivity to Needs

One of the real handicaps that stifles effective negotiation is the failure to take a close look at **what** people negotiate. When a person represents an agency or organization, there is often a good deal more involved than the obvious agency goals that are laid out on the table. Invisible, but ever present, is the personal element involved in the transaction.

The psychological needs of the parties, although rarely expressed openly, always form part of the negotiation package. One of the real problems with the U.S. - Iran hostage incident was an inability to grasp a situation that went beyond the material demands - the Shah and the money. There

was the need to prove something - to prove that the Iranians were victims of injustice and that the U.S., as collaborators with the former regime should publicly renounce its past sins. Even at a somewhat less dramatic level, when a probation and parole manager is negotiating a fee-for-service contract with a private agency, the same is true. Organizationally, the objective may be to obtain an identified service. However, the parties also have more personal stakes involved - for example, the need to be seen as competent, or the need to feel important, or influential in the job. Moreover, even a probationer who recognizes that survival within the legal system ultimately depends upon compliance with probation restitutions, may still stall and resist, in order to prove that the system is 'dumb' or that he is tough and won't be 'pushed around'.

The impact of personal need on a negotiation is illustrated in the following hypothetical situation. A private agency, through its representative 'A', has submitted a fee-for-service proposal to a correctional funding agency represented by 'B'. Some of the agenda items include details of client numbers, service activities, evaluation criteria, staffing needs, and financial requirements. During the discussion, agency negotiator 'A' is quick to notice that funding representative 'B' has a strong personal interest in training. In the conversation, he remarks that 'B' does not have as much of an opportunity as he would like to practice his training skills within his office. Although training per se is not one of the items on the negotiating table, 'A' begins to follow a possible lead. He starts asking, "What are your ideas on what skills my staff would need?" "Given your own interest and knowledge, what suggestions can you make to help me with my training for this project?" By the time the meeting is over 'B' is feeling pleased. His ideas about training have not only been solicited but now he has actually been asked to consider helping out 'A's' agency with some of its training. 'A' also leaves satisfied. He has found a friend in 'B', who may now have a more vested interest in seeing their respective agencies do business. Moreover,

they stand to benefit from B's knowledge and skill as a trainer.

Although training was never an issue, 'A' has not only tickled a dormant need in 'B', but has skillfully tied the fulfillment of that need to the contract. 'B's' chance to train now depends upon the contract agreement. Although, on the surface, it may seem as though the agency representative 'A' has baited an innocent 'fish', the funding agency also comes out a winner. Not only might 'B's' personal needs be met, but he can now go back to his superior and explain that by becoming a training consultant to the private agency, it will become easier to monitor that agency's services and to ensure some quality control, at least as far as training is concerned. Naturally, the offer by 'A' has not been without its risks. 'A', as an effective negotiator, would have needed to anticipate the consequences of coopting 'B', not only in terms of the short-run advantage of doing business, but also with respect to the long-term risk of having his agency come under increased scrutiny of its funders.

Sensitivity to the needs and preferences of your negotiating partner are not being lost on some sectors in the business community. In a recent negotiations seminar for purchasing executives in Toronto, Bill Morrison, Training Director for General Electric, introduced the participants to a 'Profile Sheet' currently being used by a large American company. All the company's salesmen are required to complete the profile on each of the purchasing executives with whom they deal. Contained in the profile were such standard questions as: *What are his/her long range objectives? What important family value does he/she have? What does he/she like to talk about, if given free rein? and What menu items does he/she prefer?* The profile, when completed, offers such an in-depth characterization of a person, that our own pre-sentence reports sometimes can look naive and superficial in comparison. Yet, having a good sense about people is part of the job of being a human service professional. The fact that we use our skills to assess our probation and parole

clients, is uncontested; but do we practice them well enough when it comes to negotiating with agencies and community groups?

Creating Alternatives

Bertrand Russell once said: "Most people think once or twice a year. I've made an international reputation for myself by thinking once or twice a week". One of our lamentable failures as negotiators is our inability to creatively think out ideas and alternatives for agreement. Consider the last time you decided to tell a client, or indeed a close friend of your concern about his excessive drinking. How many possible options or approaches did you consider before you opened your mouth? Most people when responding to this question, can think of only a few possible approaches. One person may use the "I care. . . do you want to talk about it" approach. Another may prefer the more unassertive "I may be wrong, but. . ." tactic, and yet another may choose the more directive approach of, "It's clear to me that drinking is a problem. Why don't you. . .". There is a strong possibility that in dealing with these types of situations, the average person would be able to rely on only a small repertoire of alternatives. Our limitations, however, are not just restricted to problems in casework and human relations. How often have you ever generated more than one or two possible solutions to a problem, no matter how important it was? Although it may be hasty to convict everyone of uncreative thinking, many people do tend to become terrorized by habit, reluctant to stray from what has worked before, and are quick to grasp on to the first apparent solution. In the example just cited, Henry Calero, in his book **Winning the Negotiation**, cites twelve possible alternatives for introducing the problem of excessive drinking. How many can you think of?

The inability to think creatively can also sometimes prevent people from looking at a product or service as anything less than an indivisible whole. In reality, the size and shape of any product, including money, can be changed. All tangibles are

malleable, and the extent that modifications can be made depends only on how many questions you wish to ask yourself about them. "Who? Who else? How else?" are the types of questions worth considering. If the dollars asked for are unavailable, what else can be done? Can the funder provide existing facilities, or telephone? Can the funder throw in administrative or technical support? Can the shape or size of the target group be changed? Can certain costs be amortized? Can a staff secondment offset personnel requirements?

Closely related to the inability to think out options is the disease called 'entrenched position'. Sufferers of this illness can often be heard at the negotiating table, exclaiming all the items which are 'non-negotiable'. Yet, according to Herb Cohen, a renowned negotiator and consultant, everything that resulted from a negotiation is in fact, negotiable. Fixing specific positions such as how much you will pay, and what you are unwilling to tolerate, is in fact a necessary part of any pre-negotiation strategy. The problems arise when the negotiator grasps tenaciously to his ideal objective only, and is unwilling to establish a range of positions within which settlement may be possible. Another symptom of the entrenched negotiator is that he very often regards his options as being two distinct extremes - **either** (this happens), **or** (that will result). Consider the case where you have a probationer who has been negligent in his reporting. Frustrated at his behavior you tell him that "**either** he report on Monday, **or** else you will see him in court!" Now this option may be the only alternative the officer has, but presumably it is invoked only after previous attempts to persuade the probationer to report have failed. However, occasionally this all or nothing approach is used before the matter has been properly negotiated. In a comparable situation, suppose you have decided to ask your supervisor for a raise. You have thought about it and thought about it until you've got yourself so worked up, that having barely crossed the threshold of his office you blurt out, "Boss, either I get a raise, or I quit". In both examples, you

have painted both yourself and the other party into opposite corners. You have given your boss little option but to agree or disagree. If you were not serious about leaving and the boss refuses to grant you a raise, you stand to lose 'face' by backing down. He is embarrassed, your self-esteem has been wounded, - a no-win situation. The same is possible with your delinquent probationer. His tenuous acceptance of your authority, coupled with his desire not to lose face, may just be enough to force him to call your hand, when in fact he would have been willing to settle for an outcome less drastic than court. If instead of this either-or approach, you took an "**if** I don't get a raise, **then** I may. . ." then you have properly signalled your desire to see a change in a relationship, while at the same time leaving some opening for discussing options.

Even when certain conditions remain relatively inflexible such as the case of court-ordered probation conditions, there is still room to manoeuvre. With some clients, absolute compliance with all conditions may be unlikely or difficult. Using some discretion, the probation officer may wish to tie in good behavior on one important condition (say, no alcohol consumption) to another condition, such as reporting, which although equally onerous to the probationer, may not be extremely important to the officer (given the possibility that surveillance may be achieved through other means). A probationer's good behavior with respect to drinking may lead to the concession of reporting by phone instead of reporting in person; or a 'give' in another area, such as lifting a curfew. In the 'give and take' process of negotiations, flexibility on some conditions can be exchanged for compliance with others (the important ones), or cooperation in other areas, such as seeing a psychiatrist or attending a work adjustment program.

A total range of options cannot be developed unless the options are evaluated against their possible consequences and the responses they will generate from the other side. Fallback positions and points of compromise need to be determined in

advance. One of the classic examples of a failure to create fallback positions took place on the eve of World War I. For 30 years prior to the outbreak of hostilities, the Germans, anticipating conflict with France as inevitable, developed massive plans involving the transport of thousands of troops, munitions, and supplies to the 'front'. The timetables for each of the hundreds of troop and transport trains were worked out and synchronized to the minute. However, so convinced were the military planners of the eventuality of war, and so detailed were they in their plans, that they forgot to plan what to do if last minute diplomacy won out and the army had to turn around and come back. Once they had thrown the switch for invasion, an unavoidable chain reaction began which they were totally powerless to stop. In a tactical sense, World War I began because of the inability to formulate positions of fallback and compromise.

Another characteristic which tends to inhibit productive negotiation is the human tendency to become paralyzed when faced with the word 'no'. When a person says 'no' to a proposal or suggestion, there is often the assumption that the discussion is over. However, even the word 'no' can assume different shapes. 'No' could also mean, "No, I don't want to do it that way" or "No, I won't do all of it, but maybe I can do part of it". We need only take a few lessons from the behavior of children to realize that the word 'no' is a starting position only, and that through persistence, and the creation of new options, a 'no' can often be cajoled into becoming a 'maybe'. In fact, acceptance can sometimes occur simply by communicating the original idea in a different manner, or by adding a new twist or quality to it, which was not previously apparent. For example, in the film **Love and War**, Woody Allen tries to seduce the lovely countess, Diane Keaton. She rebuffs him saying, "Sex without love is a meaningless experience". Unhindered by this response, the comedian replies, "Yeah, but as far as meaningless experiences go, it's not bad. . ." Woody may not have changed the countess' mind with his repartie, but another person may have stopped to think about it, and given the logic or even the

humor of looking at the situation in this new light, may have reconsidered her position.

Using Power

To travel from point A to point B, you need power. Without power, there is no movement. Although this concept is well understood when we consider power in the physical sense, it is somewhat less understood, or appreciated when it comes to human relations. Think of the word power and immediately the metaphors come to mind; power broker, power corrupts, power hungry. If we were to undress the word power from all the nasty metaphors, we would probably begin to appreciate it as neither good nor bad, but as a necessary element in order to cause movement. Wielding power is no more and no less than the ability to cause change - to go somewhere, get something, or influence someone else to do something. The 'bad press' that power has received is probably not so much due to the fact that we regard power as bad, but because people have sometimes handled it brutally or oppressively. Just as the reputation of an otherwise good politician can be ruined by a few indiscretions, so too can power's reputation be spoiled because of its occasional bad handling.

In probation, because of the prevailing sense that the role of enforcer is incompatible with the more desirous role of helper, there is oftentimes some discomfort with the power aspect of the role. Moreover the use of power, derived from the authority role, can often leave the probation officer with a bad taste in his mouth because of the unpleasant reactions which sometimes come from its application. Yet, there are potentially positive aspects of power in a probation setting that are sometimes overlooked. The officer can use his official position in order to advocate on his client's behalf. Making representations to a public housing authority, bonding company, or welfare agency are just a few examples where the status of the officer can be helpful. The probation and parole officer also exercises power when he is able to make

recommendations in presentence or parole reports. Quite apart from the leverage which comes from the official authority of the probation officer, there is the power which comes from the client-officer relationship itself. Susceptibility to change can often be enhanced by the influence exerted by the officer's perceived status and expert knowledge.

In negotiations, therefore, there is a whole range when we talk about the application of power. At the not-so-benevolent extreme, there is the 'godfather' approach, when survival either in a personal or business sense, is at stake. At the other extreme, as in the case of 'A' and 'B', we see movement towards settlement resulting from 'A's' sensitivity and promotion of 'B's' interest in training. The ability to divide an unpalatable proposal or idea into more acceptable bite-size morsels is also an exercise in power, because it helps move the process towards agreement.

Whenever there is a great disparity of power between two negotiating parties, settlements tend to be imposed rather than negotiated. In some cases, the person holding all the cards may have a vested interest in not reaching a settlement. With power weighted so heavily on one side, there may be little inducement to negotiate at all. Meanwhile, those without any power may feel threatened and act defensively. In some cases, the defensive negotiator may attempt to compensate for his lack of power by taking an aggressive posture, believing that the best defense is a good offence. In any event, defensive postures are not very conducive to the kind of communication necessary for an effective negotiation. Listening and good judgement often become the first casualties of such a defensive climate. To offset this possibility, the skilled negotiator needs to learn ways and means of evening-up the disparity which may exist, in order to avoid the possibility of being railroaded into a settlement. There are a number of specific power tactics that the negotiator can pull out of his 'bag of tricks'. One source of power is letting your opponent know that you can shop across the street, that he, or his services are not the only 'act in town'.

Associating your side with popular or power people or organizations is another way of adding more clout. Power can also be enhanced by developing a good sense of timing. It may not be good timing to try and sell an innovative or risky idea to a supervisor who is close to retirement, and who is not particularly inclined to rock the boat. A better tactic may be to wait until the 'new kid' arrives, hungry for the opportunity to show his dynamic stuff. Just as the business world runs through cycles of periods of peak sales and periods of slack, so too does the human service industry. There are times during the year when agencies and groups need to think about funding, of spending remaining dollars in a budget, of preparing for an upcoming audit, or of gearing-up for board elections. Business needs and objectives constantly change with time and the skilled negotiator knows the importance of keeping tabs on who needs what, and when.

Power then becomes a process of acquiring and storing information and knowledge, to be held in reserve and played out at the right time. A car buyer who has done some research finds out when sales of the automaker he is interested in are down, and that the end of December is not only a poor sales month but a time when car salesmen desperately need to 'up' their sales quota. He comes to bargain on December 28 with considerably more leverage than a buyer who has not gained this knowledge.

Sometimes, agreement is enhanced not by acquiring power, but by giving it away. Edith Ankersmit, in an article in **Federal Probation**, argues that if the probationer sees his probation officer as all powerful, then there is little likelihood for mutual contract negotiations. As in any social situation where power is wielded unproportionately, or even perceived as being unproportionate, relationships can become defensive. Moreover, agreements created by force or threat, are very unstable and can usually only be maintained by continued force or threat. Ankersmit recommends, therefore, that where exaggerated notions of the officer's power exist in the mind of the client, the officer

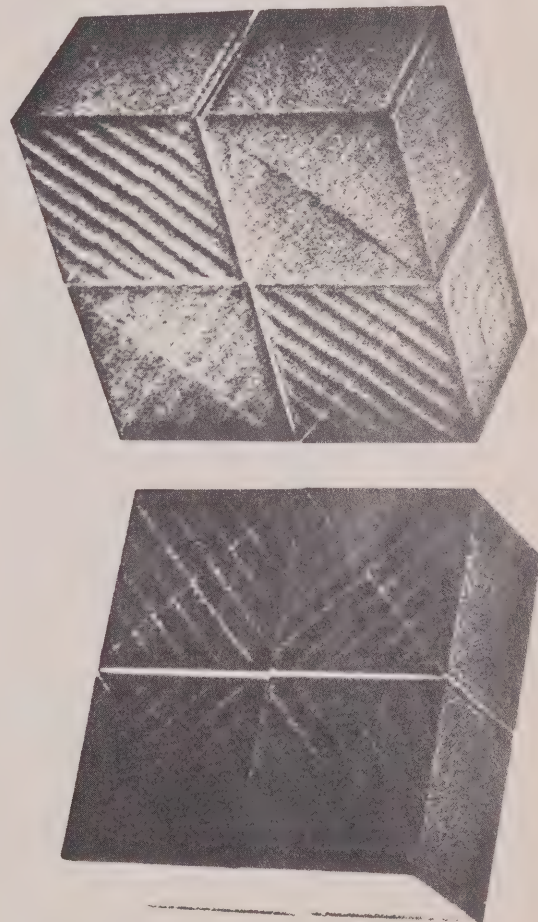
stands a better chance of reducing resistance by explaining the limits of his power within the authority relationship. This does not mean that the officer has to totally lay down his arms to embrace the new probationer; the need for enforcement, after all, is part of the package of probation. What it does mean though, is that each party is able to realistically appreciate the limits of the other. Given the relative rigidity of the legal contract (specific conditions) the two parties can at least begin to engage in some give-and-take bargaining as far as the supervision contract is concerned, namely how the legal conditions will be interpreted and enforced.

Power need only be perceived as existing in order to be effective. In other words, as long as an opponent believes you have power, then whether you actually have it or not, does not matter. For example, there is a long held notion that a negotiator gains psychological advantage by having the negotiations take place on his or her own turf. You may, indeed, feel more secure meeting in your own office, where the surroundings are more familiar. However, if your aim is to gain a psychological advantage, and if the visitor does not feel intimidated or even care that your chair is two inches taller than his, or that he is in unfamiliar territory, then all the posturing is meaningless. If, in the eyes of the beholder you have no power, then, alas, you have none.

Conclusion

Although people have always negotiated, it is only recently, in a work climate which calls for increased sharing of diminishing resources, that it has attracted considerable attention as a necessary part of business management. It has evolved its own body of knowledge, and has developed its own rituals and tactics. However, negotiation, as with other management functions, is built almost entirely upon the knowledge of human behavior - how people are affected by needs, how they communicate, solve problems, and seek to influence change. In this respect, it is not much different from what generally goes

on in the social helping setting. In task-centred casework for example, the worker must assess needs and negotiate with the client on the target problem, the tasks and the time limits. Given these similarities, the community correctional specialist may already have a strong base for improving his negotiating capacity, in the business sense of dealing with agencies and the community. It is through an increased awareness of what already takes place and a willingness to apply existing skills and knowledge to the new situations that will promote negotiating proficiency.



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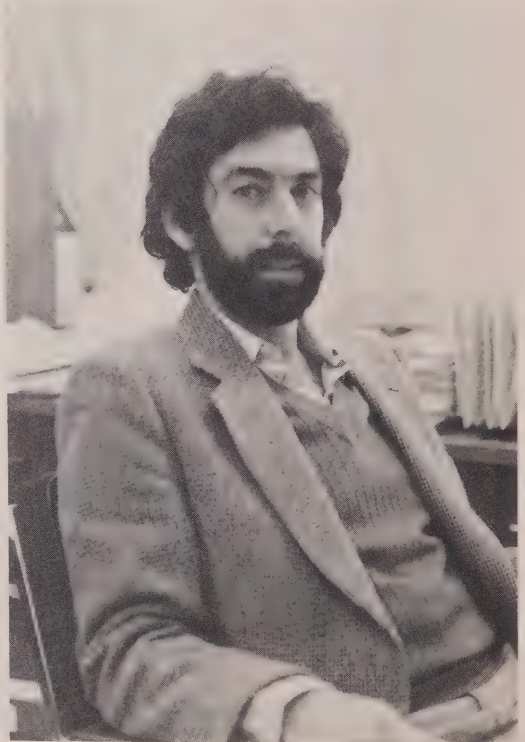
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Carl Aspler has been with the Ministry of Correctional Services since 1974. He worked first as a probation & parole officer and then as a court liaison officer prior to becoming a staff development officer two years ago. As of April 1, 1981, Mr. Aspler has become, manager, management training.

Mr. Aspler is a graduate of McGill University where he obtained a degree in genetics and psychology. He has also studied at the University of Strasbourg.

Since joining the staff development branch, Mr. Aspler has been involved in the planning and delivery of a number of courses and seminars. These include courses in marketing and negotiation, performance planning and review, probation enforcement, time management and coping with stress.

In addition, he has written a number of guidebooks in the area of probation enforcement and effective pre-sentence report writing.



Resourcing the Community

by Michael Healy*

"Possibly," said my friend the probation officer, "this team or unit system or whatever you call it, might work all right in one of your large, sophisticated city offices but I can't see it working in small offices."

"I don't know where you get that sophisticated bit", I said. "The people you mentioned are no more sophisticated than you . . . in fact . . . but never mind, let's see what the method would look like in a small office."

"Yes, let's talk about that", said the P.O., "I'm alone here so who is going to form this team or unit?"

"Well," said I, "Balmoral may be a small town but surely within its confines and among its population there will be a few, or one or two, who might do volunteer work."

"Man and boy," said the P.O., "I have lived here for 56 years and I tell you there are no volunteer-type people here."

"Now that," said I, "is a sad commentary on this teeming metropolis. Surely, if we spoke tactfully to Rev. Pere Eugene Thibodeau and Rev. Basil Wishbone and others of the local Ministerial Association, they could come up with two or five names of potential volunteers."

"I doubt it," said the P.O. "Why don't you try," said I, "the results might surprise you."

"Next time we meet we can discuss the outcome of your no doubt strenuous efforts for the cause," said I. "Yeah" said the P.O., who has a touch of cynicism in his make-up, "let's do that."

... SEVERAL MONTHS LATER ...

"I wish to tell you that strenuous efforts on my part, following consultations with their Reverences Basil Wishbone and Eugene Thibodeau, produced some prospective volunteers," said my friend the probation officer.

"So. . . .?"

"So," said the P.O., "I have invited two of them to join this unit, sit in on our weekly

Monday morning meetings and help us with the classification or categorization of probationers."

"Incidentally," said the P.O.,

When the P.O. says "Incidentally", it does not mean "incidentally" at all; it means that some matter of great moment is about to surface.

"I am given to understand that when the number of volunteers grows apace in a predominantly rural area such as ours, the local P.O. may look forward to some lightening of his burden."

"That," said I, "has been known to happen but your area manager tells me that your administrative ability is of such high calibre that additional help around here will not be needed until far in the future."

"Hm," said the P.O., "I must have a serious talk with that man when next I see him."

"However," said I, "I could foresee a development whereby you and Pat O'Houlihan, who is only 80 miles away from Hap Y. Chung could team up and perhaps have some local group funded to provide certain kinds of needed services."

"That man O'Houlihan," said the P.O., "is rushing madly into the 19th century!"

"There are others," I said, "who have been known as 'stick-in-the-mud' types until one day they blossomed forth and began to talk learnedly about unit-functioning and time frames and 'hands-on' volunteer experience and using other similar terms from the new language of 'man-speak' (management speech). What I would really like to see is a joint program, proposed by you and Pat O'Houlihan and Hap Y. Chung; a program designed to provide the best possible service in this area."

"Yeah," said the P.O., "let us never falter in our quest for excellence."

"That," said I, "somehow has a familiar ring to it. See you soon."

"May the road rise to meet you and the wind be always at your back," said the P.O.

* Mr. Healy is Regional Administrator, Northeast Region

Working Together

The past decade in criminal justice has been one of innovation and development. Various options have been sought and tried in an effort to find effective programs for offenders. Funding for innovation has always been difficult and scarce but during this period an unique opportunity has been provided by the Ministry of the Solicitor General Canada.

This federal department is primarily responsible for the operation of the world-renowned Royal Canadian Mounted Police Force and the Correctional Services of Canada -- the latter consisting of the penitentiary system (for those sentenced to imprisonment terms of two years and more), and the National Parole Service. The Ministry of the Solicitor General Canada also has a relatively small policy secretariat which in the early 1970's took on a more pro-active stance with the formation of the Consultation Centre. Unique in Canada corrections, the five regional consultants and their associates (some on secondment from provincial correctional ministries) 'set up shop' in British Columbia; and the Yukon; the Prairies and North-West Territories; Ontario; Quebec; and the Atlantic provinces, and are now, after some half dozen years, an integral factor in the ever-changing criminal justice scene.

*Ms. Helen Vail, Regional Consultant, Ontario, was interviewed for **OPTIONS** by Donald G. Evans about the role the centre can play in funding diverse community correctional options:*

1. *Helen, would you briefly describe the role and mandate of the Consultation Centre?*

The Consultation Centre has a dual mandate. It acts as an agent for change, and, as the only regionalized division of the secretariat, it is responsible for maintaining a general overview of federal-provincial relations. The Consultation Centre is involved in various activities that range from: supporting studies, conferences, seminars, and workshops dealing with criminal justice issues; to initiating, assisting, and supporting experimental and innovative programs with particular attention to the development of new concepts in criminal justice. The centre's mandate is geared toward the coordination of the criminal justice system's various components. It identifies gaps in service and prevents unnecessary overlaps. It also includes promoting community involvement and meeting the needs of special groups. The programs are generally carried out in cooperation with one or more provincial governments.

2. *It is my impression that the Centre has provided funding assistance to a number of innovative projects. Would you comment and give examples of the types of projects assisted during 1980-81?*

Approximately 63 projects were initiated or assisted by the Consultation Centre in 1980-81. Some of these projects were aimed at encouraging the development of various community-based resources for young offenders. These projects support the federal policy intent expressed in the legislative proposals to replace the Juvenile Delinquents Act. Others were directed toward assisting the police and the community. They emphasised preventive policing and a community-oriented delivery of police services. A number of programs experimented with a wide range of community alternatives to traditional processing through the criminal justice system. Some sought solutions to the problems of native peoples in conflict with the law. A native policy and program review group was established early in the year to give renewed emphasis to this important priority.

Various workshops, seminars, and conferences were supported including the **Alternatives to Imprisonment Conference**, Toronto, the **Community-Based Alternatives Conference**, Winnipeg, Manitoba, and the **International Conference on Managing the Criminal Justice System**, Richmond, British Columbia.

3. *How is the funding process initiated?*

It varies. Often we are approached by a community group that wishes funding in order to explore an innovative or experimental approach to a criminal justice issue. Sometimes, the Consultation Centre begins the process and asks the provinces and different communities to participate with it. Together, we demonstrate, and/or implement some new policy initiative.

4. *Could you outline the funding criteria for demonstration projects?*

- 1) Demonstration projects are experimental pilot projects from which we expect to learn about the effectiveness of alternative approaches to problems we face.

To identify the uniqueness and/or innovativeness of the proposed project, alternative rationale can be used.

First, funding of a demonstration project could be justified on the grounds that the program offers a new approach in dealing with the concerns of a particular population or a particular criminal justice issue.

Second, even if the proposed project is not totally innovative, it could qualify as a demonstration project if the conditions outlined are different than conditions which are found in existing projects.

Third, the uniqueness of a proposal can sometimes be justified on the basis of the differences between the proposed model or process and the existing implementation schemes.

- 2) Projects are developed in conjunction with provincial and municipal governments and the original voluntary justice agencies that are involved.
- 3) Demonstration projects are funded for a maximum of three years.
- 4) Projects must have a developmental plan and a high potential for local support. These ensure continuance after the initial phase has been completed.
- 5) Projects must be developed in a systematic manner. They must be documented for information purposes and evaluated for their potential contribution to the criminal justice system.

5. ***Are there criteria for funding other complementary activities?
What are the criteria?***

Included under other complementary activities are: conferences, workshops, seminars, and activities or programs that are carried out, for the most part, by the private sector. They are considered an essential and an integral part of the criminal justice system, and they are conducive to achieving the objectives of the Ministry of the Solicitor General Canada.

- 1) The activity must contribute to the establishment of policies or the development of plans. It brings together individuals working within the criminal justice system to exchange views and seek solutions to problems.
- 2) The activity must serve to integrate the elements of the criminal justice system.
- 3) The activity, where applicable, must have the support of other levels of government and the community.
- 4) Resources sought from the Ministry of the Solicitor General Canada must not be available from other sources.
- 5) The organization seeking support must occupy a strategic place in the criminal justice system.
- 6) The organization must have a history of stability or demonstrate strong prospects of being able to continue to finance itself.
- 7) The proposal must come within the priorities of the ministry which are established each year.

6. During 1982-83 what will be the project priorities of the Consultation Centre?

In 1982-83, the human and financial resources of the Consultation Centre will be concentrated in the following program areas: crime prevention, young offenders, adult alternatives, native people and the criminal justice system, and victims of crime.

Thank you, Helen, for a succinct and informative discussion of the role and scope of the Consultation Centre. We, in Ontario, are appreciative of the opportunity to work with the centre and are grateful for the assistance in funding innovative correctional programs.



Helen Vail joined the Correctional Services of Canada in 1971 and worked as a parole officer until 1974 when she became director of the office in Timmins. In 1976, she was appointed assistant district director, Toronto.

Ms. Vail was the director, Montgomery Centre, Toronto for one year. She is currently regional consultant, Consultation Centre, Toronto.

Ms. Vail received her B.A. from McGill University, Montreal, Quebec and her M.A. in clinical psychology from Queen's University, Kingston.

THE NEW WORLD



APRIL, 1981 "nine-year old Robert, the bank robber, is a case in point . . . His lawyer . . . has pleaded the youth innocent, saying that he was only playing a game learned from television and that the gun was a toy pistol."

JUNE, 1981 . . . "A psychologist says the televised version of the Exorist caused 'cinematic trauma' that prompted a woman to cut out her 4-year-old daughter's heart."

NOVEMBER, 1981 . . . "A television station aired the Russian roulette scenes of the film, The Deer Hunter, despite a psychiatrist's warning that it might inspire real-life imitators and officials say two male viewers shot themselves . . . at their kitchen tables Saturday by holding partially loaded revolvers to their heads and pulling the triggers twice. Each man hit an empty chamber on the first try."¹

by Kie Delgaty

It takes surprisingly little time to collect a hefty file of newspaper clippings, which are anecdotal reports of violent acts and crimes that can be attributed to televised violence. It is tempting to dismiss these sensational incidents as reflections that border on the lunatic fringe or as the hyperbole of the doomsdayers, who have been warning us for more than 50 years that media violence, on radio and television alike, would lead to a litany of evils, not the least of these being increased violent crime. But, the link between televised violence and crime has been affirmed by volumes and decades of research by sober professionals. The alarm, calling for immediate reform, has been ringing for some time. Canada's most extensive study of violence in the communications industry, the LaMarsh Commission, called for a spirited attempt to bring about change and to deal with a problem "that has the power and potential to disrupt Canada's social, cultural, and intellectual environment."² The commission noted an increasing flow of televised violence at all hours, including those when children were watching, it spoke in terms of alerting the public and governments to the 'danger', and it affirmed a belief that "while increased exploitation and depiction of violence in the media is only one of the many social factors contributing to crime, it is the largest single variable most amenable to rectification."³ The year: 1977.

The year: 1982 - five years after the LaMarsh Commission. Its legacy: useful resource material for students of communication, and continuing research by a namesake organization. The alleged link between televised violence and violent crime has been both supported and challenged by further research and by special interest groups— but, the level and nature of televised violence remains essentially unchanged. However, with reference again to newspapers, the headlines tell us that there may be some change: **Audience Protests Have Effect⁴, Cleansed! Why The Tide Went Out on Sexy TV Shows.⁵** Much of the credit for the headlines goes to highly political

fundamentalist organizations such as Jerry Falwell's The Moral Majority and the National Coalition for Better Television, which call for an antiseptic cleansing of sex and violence from the screen. In response, groups such as Norman Lear's People for the American Way have evolved, to counter the puritan influence and to preach the importance of freedom of speech and American 'moral plurality'. One of their arguments is that the public gets what it wants and this is confirmed by the ratings.

At the same time, a number of other organizations, similar in philosophy but operating independently of each other, have existed for several years throughout North America. These groups argue that television is a powerful tool to teach values and to educate. They suggest that we have passed through an oral and written tradition to an era where our children must now become visually 'literate'. They contend that we must help parents establish what role television will assume in the home, and that we must develop television to its full potential for use in the school.

Recently, television has been attracting the attention of investigative journalists for reasons other than sex, violence, and the efforts of religious lobbyists to censor it. We are on the verge of a revolution in communications technology which promises to make the television set the most obtrusive piece of hardware in the home, the school, at play, and at work. Pay TV, videodiscs, telidon, and video nightclubs are daily news events. The television can now act as the burglar and fire alarm. There are two-way systems which allow the viewer to respond to station opinion surveys and to shop. The potential seems unlimited. In a climate of debate about the changing role of television in our lives, the Canadian Association for the Prevention of Crime has launched a project. Its goal: to create a national consumer's organization which will provide leadership and a positive focus to these complex issues.

The Canadian Association for the Prevention of Crime is a national, voluntary organization. The efforts of its staff and volunteers have been devoted to lobbying and consultation with various government and private sector groups that are concerned with developments in the criminal justice field. In May of 1981, a committee of the association met to consider new initiatives that would redirect some of the association's resources to national crime prevention programs. They decided on a project to examine television violence and its impact on children. Representatives of other national organizations that are concerned with children and youth were invited to discuss the evidence and to determine whether the association should adopt a position on this controversial issue. They proceeded to touch upon a number of questions, including the encroachment of American television on Canadian culture, the impact of advertising, the problems associated with developing programming for a limited audience, etc. Their findings and discussions were a disturbing commentary on the quality of life in many families.

Television is a universal phenomenon in our society, more so than regular meals or flush toilets. Ninety-six per cent of Canadian homes have at least one television. The majority of television programming viewed by Canadians is produced by and for Americans. In the comparatively large American market, production costs are considerably lower than those which the Canadian economy can support. It is cheaper to buy and import American light entertainment programs than to produce them in Canada. Moreover, high production costs encourage Canadian producers to cultivate an American market by tailoring their product to suit American tastes. While Canadian companies are restricted in their purchase of foreign programming by Canadian content regulations, the cable companies are able to provide the viewer, willing to pay a monthly cable rental fee, with a range of American channels as well as the Canadian. The fact that Canadian produced programming has one-quarter the

level of violence of American programming is irrelevant in light of Canadian viewing habits.

Children are heavy television viewers. While survey results vary, they indicate that Canadian children watch an average of three to six hours of television a day, often more time than they spend in school. By the time television viewing peaks in early adolescence, children have seen 18,000 violent acts on television and 350,000 commercials. Many investigators have commented upon the family strains which result from the pressure kids put on their parents to buy toys advertised on TV. Children who watch a lot of TV are more likely to be from the lower-class.

Analyses of the amount of television violence vary according to the definition of 'violence'. On the average, studies indicate a ratio 10 times more frequent than the incidence of violence in reality. In a content analysis done by Dr. Gerbner of the Annenberg School of Communication, eight out of 10 American television shows contain some form of violence. Most of the leading characters (whether the good guys or the bad) use violent means successfully to achieve their goals; they do so more frequently in programs designed for children. Not only is the incidence of televised violence more frequent than it is in real life, its nature is distorted. Whereas most violent acts still occur within the context of the family or of an established relationship between victim and assailant, the television victim is usually portrayed as an innocent and powerless bystander unknown to the assailant. Nor does television deal with the consequences of violence, with the human suffering and trauma which follow.

The television world differs from the real world on a number of other points, in addition to its portrayal of violence. According to Dr. Gerbner and his colleagues, the television is one:

"... in which men outnumber women three to one, young people comprise one third and old people one-fifth of their real numbers, professionals and

*law enforcers dominate the occupations and an average of five acts of violence per prime-time hour (and four times that number per weekend day-time hour) involve more than half of all leading characters."*⁷

But does anybody believe in the world of television? The very clear answer from both research and anecdotal incidents is: 'Yes'. Controlled research findings suggest that children younger than seven have difficulty distinguishing fantasy from reality. More disturbing, however, are the hundreds of anecdotal incidents that demonstrate that many adults cannot separate actors from their roles. An example is that of Larry Hagman, the bad guy of **Dallas** fame, who on several occasions has been assaulted by irate females in public places.

While admitting that some of the research has methodological problems, there is a consistent pattern of results that seems to confirm that the heavy television viewer is affected by television: he or she has a different 'world view' than light or moderate television users. Children who are heavy television viewers are negatively affected in their school work, in their ability to read, and in their play activities. This is the presumption of a report on a Newfoundland Short Story Competition, cited in the January, 1982 **Bulletin of the Canadian Education Association**. It notes:

*"... a disturbing factor in story content ... was an attraction to violence. What seems to be happening to some children's writing ... is that they are turning to television for their narrative sense and, in doing so, are losing originality, spontaneity, and are developing a distorted, if not perverse, sense of the world."*⁸

Heavy television viewers are more likely to believe that people are essentially dishonest and to be fearful of the world around them. They are less sensitive to the pain and suffering of others, and they are more likely to behave in aggressive or harmful ways. They are likely to have a negative stereotype of the aged, of women,

and of ethnic minorities. Dr. Gerbner also claims that "the more people watch television, the more complacent they are about health and exercise."⁹

The evidence seems compelling and straightforward. Why then has the impact of television been the subject of a 30 year controversy? Why have the various commissions, LaMarsh included, had no effect? One of the most popular answers to this last question is: advertisers and producers represent a powerful lobby and a monopoly who are stimulated solely by the profit motive. Violence is the cheapest and the easiest way to spice up a plot and therefore to attract the attention of the largest number of viewers, and audience size is directly proportional to advertising revenues. (This explains the lack of support for programming for audiences of limited size - such as children.) Once violence is introduced as a staple in the TV diet, the viewing public gradually develops a tolerance for it. In order to continue to stimulate and excite the audience, the level of violence in subsequent programming must gradually escalate.

This is an overly simplistic response which ignores two other major problems: there are serious flaws with the research evidence and, there is a very strong base of support for the principle of allowing the television industry to develop with a minimum of regulation and censorship.

There has been one piece of research which seriously challenged the conclusion that observing violence increases violent feelings and behavior. A major study in 1971 concluded that children who viewed televised violence identified with the aggressive actor and released pent-up hostility through vicariously experiencing the violent act. The findings of this so-called 'catharsis' theory was not supported by further research. Nevertheless, the theory was a powerful ally for the proponents of 'individual choice' and 'content determined by the ratings'.

Another problem has been that some of the different research results conflict with each other. For example, while some

research has linked violent cartoons with aggressive behavior in children, the negative results of other research has been explained by the suggestion that cartoons are too unlike real-life counterparts to have a negative impact.

The more serious problem, however, has been that there is no one study which provides irrefutable evidence of a direct causal relationship. Are the characteristics attributed to a heavy television viewers caused by television viewing, or simply descriptive of the type of person who becomes a heavy viewer? The task of designing research which demonstrates a direct link between televised violence and violent behavior is extraordinarily complex in view of the number of variables which must be considered: those which influence the viewer such as age, sex, socioeconomic status, personality traits, etc., and those which also contribute to the production of violence, such as unemployment, poverty, discrimination, etc. Nevertheless, the assessment of John P. Murray, a noted researcher in the field, is shared by many. He concludes that it is the weight of the accumulated evidence which establishes the link between television and violence."¹⁰

The position of the anti-TV-violence lobby has also been weakened by strong and widespread support for the belief that the individual must have both the freedom and the responsibility to make a personal choice about his/her television viewing habits. Furthermore, it is argued, parents have a responsibility to set an example for their children and to monitor their children's viewing. These positions are supported by some research which shows that children who are offered alternatives to television choose them, and that children restricted to a diet of educational and cultural programming prefer it. This is an important component of the philosophy of several organizations which sponsor 'television awareness' workshops for parents concerned about their children's television viewing habits. They are the Children's Broadcast Institute, Religious Television Associates, and Television Awareness Training (a private consulting

firm). There are others who argue that while it is important to help parents give guidance to their children, leaving them with the full responsibility poses yet another burden on the family, and the family is under considerable pressure because of the rising number of both single parent homes and homes where both parents must work. Parents need both a wider choice of programming for children, and some assurance that the content of programming offered during the hours when children are most likely to be watching will be suitable for children.

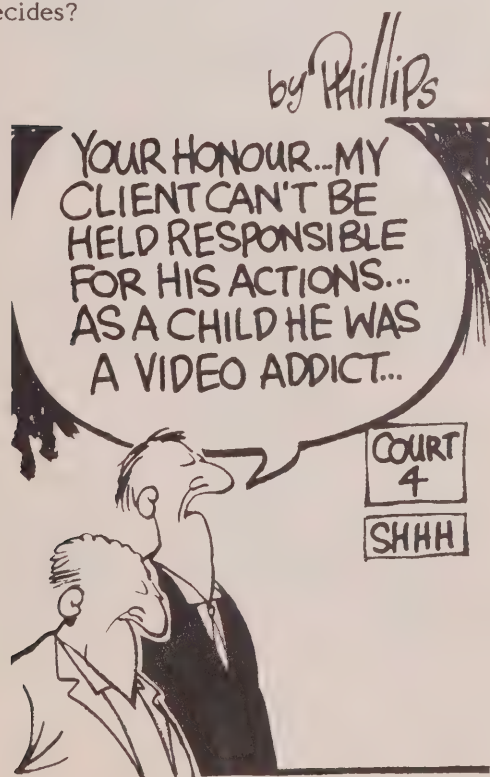
Perhaps the most sobering comments on the question of TV's role in our lives are those expressed by Fred Schroeder in his book **Outlaw Aesthetics**. He deals with popular arts and popular culture. He suggests that the appeal of the popular arts such as television lay in their form and content. They deal in a clear and simple manner with profound ideas, concepts, and philosophies. They sustain our often unexpressed needs and beliefs - the interplay of good and evil, strength and weakness, patriotism and treason. Seen from this perspective, violence is simply a concrete device for developing the themes of popular culture. Schroeder notes:

*"... popular tastes will assert themselves regardless of how much they are opposed and repressed, how much the people are instructed, or how much they are given an elevated diet on which to feed. A case in point is that of the comic book, for which there was no cultivated antecedent, for which there was no training in school systems anywhere, and against which the greatest forces of education, criticism and morality were directed in every society that was subjected to the comics. The same outlaw characteristic marked dime novels, penny dreadfuls, music halls, early movies, jazz and rock music."*¹¹

If we accept Schroeder's analysis, televised violence is simply a means for the expression of popular culture. The research and the commissions which have blamed television for a variety of ills are

the response which we can expect of those who deplore the vulgar tastes of the masses.

But Schroeder's analysis raises a host of equally important questions. Is the American popular culture which Canadian watch on TV the same as their own? If the answer to this question is 'no' for English Canada, it is surely a resounding 'no' for Francophones. Furthermore, to what extent should television lead tastes rather than follow? Schroeder's analysis deals with light entertainment programming. What about television's other functions - to inform, to educate, to promote our fundamental values and the social good? The research evidence also tells us that the content of programs can be structured to enhance the reading skills of children and to build their vocabulary. To what extent does the television industry have an obligation to develop programs for limited audiences such as children or the hearing impaired? The television industry is profitable. Should it be required to return a proportion of its profits to the community in the form of a broader choice and higher quality of programming? Who decides?



After reviewing both the research evidence and the philosophical perspectives, the members of the 'TV Programming' committee decided not to take a position about the role of the televised violence in the production of violence and crime in our society. They agreed, in fact, that to do so would embroil the Association for the Prevention of Crime in a controversy which holds little hope of easy resolution. Committee members also questioned the value of any position which attempts to 'blame' or to confront.

Nevertheless, an important question remains - that of regulation of the television industry. How can we ensure that it is responsive to the interests of television's many audiences - French, English, ethnic minorities, popular culture, children, and adults? At present, there are essentially two regulatory devices: the Canadian Radio-Television and Telecommunications Commission (CRTC) and the industry's self-regulatory bodies, such as the Advertising Advisory Council and the Canadian Association of Broadcasters. Groups such as these are composed of industry people who voluntarily agree to comply with standards developed in the areas of advertising, children's programming, broadcasting practices, etc. The CRTC is the regulatory body which, for example, establishes the conditions under which television and radio stations are granted licences to operate. The CRTC has the authority to revoke a licence and/or the power not to renew a licence if the station fails to live up to its 'Promise of Performance'. Both the CRTC and the industry's self-regulatory bodies invite citizen input. But is this sufficient to protect the interests of television viewers? Will this ensure that an informed public has a voice in the decision which are made about the quality of programming and about the evolving role of television?

The answer to both of these questions is 'no'. There is a great deal of activity occurring in small pockets around the country: organizations attempting to promote 'media literacy' as an essential ingredient of the school curriculum, sponsoring workshops for parents and

concerned professionals on how to view television 'critically', attempting to ensure the access of community groups to the media, representing the perspective of special interest groups. The one ingredient missing from the Canadian scene is a national organization for television consumers.

The 'TV Programming' committee of the Canadian Association for the Prevention of Crime has now endorsed a three-year project to establish such an organization. Two strategies are being developed: a national conference on television which will bring together the key groups concerned with the question of 'consumer'

input, a 'demonstration' local community development effort which will serve as a model for developing a network of community consumer groups. The functions of the proposed national organization might be, amongst others, to act as a lobby for the interests of television consumers and to support the efforts of local and regional groups to promote citizen access to the media. The managing committee has not predetermined the structure or functions which such an organization might take. Rather, they have agreed that these questions, along with all the others posed over the course of their discussions, are best answered by an informed public.

Kie Delgaty has been with the Ministry of Correctional Services for nine years. He was in the Woodstock probation office for four years and subsequently transferred to the London office to assume responsibility for the London Volunteer and Community Service Order programs. He became area manager for London in 1979. In 1981 he was seconded to the Canadian Association for the Prevention of Crime to work on the Standards and Accreditation Project and on a special project concerned with children and television. Prior to his work with the ministry, Mr. Delgaty was the principal researcher in a special project managed by the Addiction Research Foundation. His work with heroin addicts in Niagara Falls was published in the **Journal of Addictive Diseases** in 1976 - Heroin Use in Niagara Falls, Ontario.

Mr. Delgaty completed his honors degree in sociology at the University of Toronto and some of the work towards his M.A.

He has two children and is involved in Lynn Delgaty's career as an artist. In his spare time he scuba dives, swims, throws pots, cycles, jogs, studies both French language and culture, and enjoys the theatre and film.



FOOTNOTES

1. Excerpts from articles appearing in the Ottawa Citizen. In order of appearance:
Children Turning to Violent Crime in Record Numbers - April 1, 1981.
'Exorcist' Blamed in Murder - November 24, 1981.
Film Triggers Two Deaths - November, 1981 (available upon request).
2. **Report of the Commission of Inquiry into Violence in the Media** (the LaMarsh Commission), 1977, Chapter 4, Volume I, p.53.
3. Ibid.
4. **Audience Protests Have Effect** - Ottawa, Citizen, 1981 (available upon request).
5. **Cleansed! Why the Tide Went Out on Sexy TV Shows** - Toronto Star, June 18, 1981.
6. The statistics and research in this article are summarized in: John P. Murray, **Television and Youth** (25 years of Research and Controversy), The Boys Town Centre for the Study of Youth Development, 1980.
7. Ibid., p.50
8. News Bulletin - An Information Service of the Canadian Education Association for Officials of Provincial Departments of Education, January 11, 1982.
9. **What the Eye Beholds Can Harm the Body**, Ottawa Citizen, (available upon request).
10. **Television and Youth**, op. cit., p.39.
11. Fred E. H. Schroeder, **Outlaw Aesthetics: Arts ad the Public Mind**, Bowling Green University, Popular Press, 1977, Bowling Green, Ohio, pp. 8-9.

ON SIDE : OPPORTUNITY ON ICE

by Douglas Bonesteel

Question: *Why would twenty young men between the ages of 18 and 25 drive more than twenty miles every Friday night to see a probation officer?*

Answer: *They don't. They come to an arena to play ice hockey and the probation officer happens to be their coach.*

Correctional professionals have felt, for years, that improper or non-constructive use of leisure time is often a determining factor in an individual's criminal activity. Correctional institutions have been using recreational programs for some time. However, they are a rather new concept in the Community Programs Division, when practiced in a formal structured setting. We have, for years in probation, had pick-up games in baseball or basketball with our clients, but rarely has an attempt been made to have a team that will play the activity on a consistent basis.

Ice hockey has been a popular sport and has even been considered to be the national sport of Canada for more than 50 years. It was, therefore, considered to be a desirable leisure time activity for the majority of our clients who are male and between the ages of 18 and 25. It was assumed that ice hockey would be a sport which appealed to this group. In his book **The Game of Our Lives**, Peter Gzowski comments that for "those who are consumed by this passion the culture of hockey will profoundly affect their values, attitudes and behavior ... as they mature". He goes on to say: "And I wonder if those attitudes, formed on the rinks and rivers and sloughs, have not stayed with us into our marriages and our board rooms". It was because of this

premise, the sport of hockey might be able to affect the life style of its participants, that we endeavored to assemble a team of clients to be entered into an organized men's hockey league.

We were fortunate to find in Ron McCarthy, President, Mississauga Men's Hockey League, a man who believed, not only in our philosophy of the value of recreation within the correctional system, but took a vested interest in our team's development and nourishment. Ron, and his league executive, have been instrumental in accepting the players on this team and making them feel part of this league by encouraging them to live up to the league motto which is 'Hockey for Fun'.

The Mississauga Men's Hockey League is a private, non-contact hockey league that consists of three divisions; A, B, and C. The division a team plays in is determined by the caliber of the individual team play. We were entered into the B division, which is comprised of teams of average ability. Games are scheduled every Friday night between September and April and are refereed by Ontario Hockey League approved officials. Each team was allowed to sign a maximum of 20 players, over the age of 18, and 15 players minimum on their team. The rules of this league are sanctioned by the Canadian Amateur

Hockey Association and are strictly enforced by the game officials, the league executive, and coaches. Having found a league which would accept our team, we were faced with the biggest hurdle of all; who would play on the team and how would we form this team. During the months of June and July, anyone who entered our probation and parole office was impressed with a four foot by four foot sign, that encouraged interested people to register at the counter. Our clerical staff were invaluable because, in addition to their secretarial duties, they became minor hockey 'Moms' and registered people who wanted to play. Not once did any of them grumble when they had to ask potential players their weight, height, and whether the person shot a puck from the left or right side of his body.

Our advertisement program received a tremendous response from clients. More than 65 eligible men applied for the team. To determine who would play, a number of criteria were used in order to whittle down the number of applicants to the allowable maximum. The individual's need for such an activity, his ability to pay the fees involved without our sponsorship, and his willingness to take instruction and to learn the self-discipline needed were the characteristics that we looked for in applicants.

A probationer's criminality, his criminal record or his response to probation or parole supervision, was not considered as important as his need for this program. We were able to only accept people with a stable residence and no outstanding criminal charges. These factors were considered important because an individual's transience could be detrimental to the team in that, if the person was unable to be in attendance for a game, he could not play, which hurt the team as a whole. Through personal interviews, with the applicants and tryouts over the first month of the schedule, we were able to determine the individual's hockey ability, his attitude, his behavior, and his desire to be part of and contribute to this program. Based on a rating system, we took players with ratings that indicated those most amenable to the program.

Our youngest player is age 18 and our oldest player is 25. A good many of the players have played organized hockey in the past and for those who hadn't, it was a learning experience that enabled them to interpret the rules and the basic fundamentals of the game itself. The majority of these players had not played hockey on more than an occasional basis within the last two to three years.

To ready the players for the season, we used practice-ice time prior to their first game, at which point we handed out conditioning programs, diet charts, and flexibility programs. Our expectations were explained and the individual players were expected to adhere to these. In our practices, we worked on the basics of skating, passing, shooting a puck, and positional play which is so important to successful teams. Practices also gave us a chance to get to know each other as individuals and to enhance our interpersonal relationships. It has often been said, in hockey circles, that the team that knows each other plays well with each other. It should be noted that all of the players came from different social and economic backgrounds, some were employed, some attended school, and few, by any stretch of the imagination, had the same hockey ability. Our immediate goal was to blend the various talents, abilities, and characteristics of each player to meet on a common plane.

The Ministry of Correctional Services paid the league registration fee, which was \$2,200, and the players incurred their own cost for individual equipment, team sweaters, socks, and practice-ice, as well as miscellaneous costs, such as refreshments after the game. We were able to obtain practice-ice for one hour each month at a local city arena, at a reasonable cost.

Team rules were set down at team meetings which we held at the request of the players, and infractions of these rules were dealt with by the team executive which consists of the goal tenders acting as captains and two players as assistant captains. At team meetings, democracy

prevailed and any complaints or suggestions for improvement of the team were entertained by the players.

Players were expected to be at the arena one-half hour before game time in order to prepare for the game and go over the particular plan which we expected to follow when playing our opponent. Players brought a radio into the dressing room which seemed to contribute to their game preparation. A pep talk, by the coach, followed before they left for the ice. We also taped a number of our games. At team meetings we would go over the team tape and point out inadequacies in individual plays as well as team performance.

Three players were cut from the team throughout the course of the year; one for lack of ability and two for poor attendance without good reason. The team itself, in a meeting, decided who should continue to maintain the balance of the year.

One night, one of the league referees commented that "at least the city of Mississauga is safe for a few hours on a Friday night" because of this type of program. Throughout the whole season, we did not have one instance of a player committing a further offence, which was a minor offence of causing a disturbance, and he received a \$75 fine. When the team first met and the players assembled in the dressing room, there was a feeling among them that their common thing was their criminality. As the year wore on, it became evident that they no longer considered themselves to be criminals playing hockey, but rather hockey players playing hockey. Indeed, after a few games, it was evident that the team grew as a whole.

There is great concern in the hockey world today about the growth of violence in the game. We were concerned that because of the origins of this program and the nature of the individual players, we would face the prospect of violence at some point in time. To date, after twenty games, we have received only one major penalty for fighting. The player involved in that fight, after the game, apologized to the team for

losing his temper and the encouraging aspect of this incident was that the other players did not condone his actions.

It was felt, that if good behavior was expected from the players then the team would play up to our expectations. With strict discipline, this has been the case. We witnessed one incident when a player came off the ice and, out of frustration because he had not scored a goal, broke his stick along the boards. It was pointed out to this individual that his behavior would not be tolerated, and if he wished to continue in this activity then it should not be repeated. Two games later, the same player again failed to score on a break-away. When he was coming off the ice, he was just about to take his stick again to the boards when he looked up and saw the other players who were watching him. He quietly put his stick down and put his head in his hands to work out his frustration within rather than without.

It has been gratifying to be informed by the league that we are the least penalized club in our division. This is particularly interesting when you consider that many of our players have had previous convictions for assaults and offences of a similar nature.

It should be noted that due to the nature of this program, the only people in the league aware of its sponsorship were the league executive. Other teams in this division have no idea that our team is sponsored by the Ministry of Correctional Services and the players are its clients.

In the first few games, we had a few players show up at the rink under the influence of alcohol. These players were not allowed to play that night but were confined to the bench and it was pointed out to the team that such behavior would not be tolerated in the future. The players involved acknowledged that they would adhere to team rules regarding the non-use of intoxicants, and we have not experienced any similar behavior since that time.

The greatest hurdle we had to overcome was to blend together a team from a group of individuals with little in common. At the start of the season, many of the players were interested in their own individual accomplishments and the number of points that they could accrue by themselves. During the first five or six games, it was evident that we were playing as a group of individuals rather than a team. This was reflected in our statistics, which showed one win and five losses. The video tape was probably the best aid we had to combat this because it pointed out to the individuals, who were not playing as a team, how they were performing on the ice. With the other team members 'coming down' on them for this type of play, we were gradually able to develop a team character and spirit which enhanced the performance of the team as a whole. We kept emphasizing the point that one player couldn't do it alone. When it became evident to the players that this in fact was the case, the team began to evolve as a unit.

One player, who had appealed his sentence several months prior to this program being developed, had his case heard in the Supreme Court of Ontario in November, 1981. At this time, the judge involved imposed a sentence of 60 days in jail to be served intermittently on weekends, commencing on Friday night and ending on Monday morning. After the sentence had been imposed, the player asked if he could address the court. He informed the judge that he was playing hockey on Friday nights with a probation team and asked if he could go into jail on Saturday morning instead. The probation officer who attended court with the player confirmed that this was true and went on to say that it meant a great deal to this individual to continue with his playing. The judge waived the request but when the player stood up to say "Your Honor, this team means everything to me", the judge granted the request. In order to continue playing hockey on Friday nights, that player had his sentence extended to compensate.

To enable us to teach the skill of self-discipline and control for the individual players, we used a particular analogy with the games' referees. Before each game, we would ask the player to think of the referee as his parent, his foreman, his teacher, or any authority figure that he may have had trouble with in the past, and then concentrate on learning how to live with that person rather than challenge him at every opportunity. We would not tolerate any foul language, either on the ice or on the bench, and a game suspension was imposed by the league if any referee was subjected to obscene language or gestures. Some players did not adhere to this rule immediately, but after some game suspensions and watching their teammates play without them, the message was heard loud and clear and the point was made.

One of the rewards of this program has been watching the players, who we had doubts about at the start of the year, not only learning but, actually living with, rules and regulations which they had probably never been subjected to before. They not only adhered to the league rules but to the rules they had adopted as a team, for their own benefit. Many of the players commented on the fact that because they had to 'tow the line' in their hockey games, they found that they were able to cope in a more positive manner in their school and their work environment. Many players said that they had noticed an improvement in their attitudes toward their families and their friends. Players noticed that playing on our team had given their lives a new meaning and an added dimension. One of the contributing factors to the team spirit, which evolved over the year, was that the team was never asked by management to win, but rather to do its best and not to be the best.

I can recall one probation officer questioning the validity of this program. He claimed that taxpayers would not think highly of a program in which a person on probation was rewarded by playing hockey. It should be noted that this particular program is not dissimilar from any other program which has been initiated by the

probation service, however, its nature may be different to other programs. The goals and objectives of this program can be defined not only in the hockey sense but in other functions such as life skills, associating with peers, etc. It should be remembered that if we are able to modify attitudes and behaviors through a recreation-oriented program, then the means do not necessarily have to be saleable but rather the results.

It is a credit to the staff, volunteers, and the players that their hard work and commitment has paid off in positive results. We have seen attitudinal and behavioral changes in a good many of the players over the year. Not one player has complained about this program; rather, all feel that it has been worthwhile.

A probation and parole area manager who observed one of the games, wrote a letter to the players and said: "I must say I was very impressed with the pace of the game and the determination of your individual team members. I was particularly impressed with the constraint demonstrated by the team in the face of some doubtful officiating. Following the game I had the opportunity to chat briefly with some of the players, and it was obvious that they enjoyed what they were doing and felt the whole effort to be worthwhile".

Another probation and parole area manager who witnessed a game also wrote a letter to the team which stated: "I know that this opportunity to provide a recreation program to ministry clients has been a long time coming, but the performance of your team members on and off the ice has made it all worthwhile. I was impressed with their positive attitude in team approach. The support from friends and family was also encouraging both for yourself and the players".

A characteristic of this team has been the constant growth of support which it has received from family, friends, and correctional staff. Games have been enthusiastically attended by what we would now term enthusiastic fans of this club. I can recall speaking to the father of one of

the players. He informed me that this was the first time he had attended a hockey game to watch his son play in the last three or four years since his son had left minor hockey. The type of support that we have received for this program from the parents of the players and their friends is immeasurable.

I have been assisted in this venture by volunteers who acted as team manager and team trainer. The volunteers have commented that this program has given them new insight into their volunteer work and has perhaps put a different value on their volunteerism.

The players have received the volunteers well and accorded them as much respect as they have the professional staff associated with this team. Player deportment has been emphasized and players are asked to dress as they would for work or school. In general, it can be said that they have complied with this request. Along with the improvement of social skills within their own peer group, this team has given the players something to look forward to throughout the week. One player, in the dressing room one night, informed the players that he had just been laid off by his company that afternoon and were it not for the fact that he had a hockey game that night, he would probably be drowning his sorrows at the nearest tavern. Probation officers, who have clients on this team, have commented on a positive change in attitude which they have noticed over the months in which these players has been operating.

Players have been encouraged this year, to volunteer their time in the community, perhaps in the capacity of minor hockey coaches. The message has been imparted quite clearly that if they have enjoyed what they have done this year and derived any benefit from it, then the community would be appreciative of any input that they can offer. Many players have expressed an interest in attempting volunteer work.

Some people have commented that they can perceive a conflict between the role of

probation officer and hockey coach. What I would not tolerate as a hockey coach, I would also not tolerate as a probation officer. Although the players had some difficulty with this in the initial stages, I do feel that as the season progressed they came to accept both roles as one. There is no question that this program can be considered an intensive caseload because what we initiated in the arena was often dealt with outside of that setting. I received several telephone calls regarding players' personal problems and was only too willing to deal with such, as part of the program.

One of the prominent aspects of this team has been a maturation level increase in the

individuals as they came together as a team throughout the year. The word 'I' has been sacrificed for the word 'we'.

We adopted a team motto which is borrowed from the 1969 New York Mets who were the World Series Championship Baseball team, which hung in the dressing room for every game in the playoffs. That motto simply stated "You gotta believe". For the players to believe in themselves was probably the most important objective that we could strive to achieve. If these players have learned to believe in themselves and to believe in their self-worth then it is hoped that they will become community and societal players as well.

Doug Bonesteel graduated from York University in 1974 with an honors degree in sociology and psychology. Mr. Bonesteel was a volunteer probation officer in Toronto from 1970 to 1974. He joined the ministry as a correctional officer in 1974 and in 1976, he became volunteer programs co-ordinator, Probation and Parole Services, Region of Peel. Mr. Bonesteel was one of the original probation and parole officers to open the Mississauga Probation and Parole office in 1979.

Mr. Bonesteel has played organized hockey from age nine to college level and has coached midget hockey teams.

His other interests include music, squash, tennis, skiing, and he is chairman of the Mariner Tenant Association.



Staff Exchange

by Deborah Jason

Why did you become involved in the



Deborah Jason is a United States probation officer in the U.S. District Court for the District of Columbia.

Ms. Jason received her Masters of Arts in education from George Washington University, District of Columbia in 1978.

She has been a case worker, Bureau of Rehabilitation, Washington, D.C. from 1973 to 1975. Ms. Jason later became senior counsellor, Wider Opportunities for Women, Washington.

Ms. Jason's comments about the Ontario Exchange Program were taped during her one-month on-site tour of southern Ontario probation and parole offices.

The reason that I wanted to go on an exchange program was the need to vary what I do in order to keep my interest and involvement in the job. I was motivated by a desire for some different experiences.

I had some concrete expectations of what it would be like to stay with other families and so forth. I would say, in that respect, all of my expectations were met and exceeded. Everyone here has been most hospitable and I really feel that I have got a good sense of how your ministry and your correctional system work, a feel for Toronto as a real city, and the people who live here. In terms of the city itself, I guess I am a little surprised that it is not quite the same as most large American cities. Your clients are very different from ours. The city of Toronto seems to be in better condition than many American cities. My expectations were that Toronto would be more similar to Washington or New York than it is.

One of your other officers who is planning to come to Washington, asked whether I thought a month was too long for an exchange. That was mid-way through my second week and it was a little hard for me to answer. I would now say that a month is probably an appropriate time-frame for the exchange if you really want to get a good feel for the country, the correctional system, and be able to do that at a reasonable pace.

ge Interview

by John Scharbach

exchange and what did you gain from it?

I am the type of person who just generally likes changes. Canadians hear so many stories about large American cities, with their crime, that I thought that it would really interesting to go and see just what some of the differences in a large American city are. Philadelphia is about the same size as Toronto. However, if some of the things that were happening in Philadelphia were happening in Toronto, I think it would be 'panic-time'.

I had expectations for the exchange in two senses perhaps. Professionally, I was representing Ontario and was trying to find out how another system worked. I wanted to see the differences in the services offered. Personally, all that I was hoping was that it would be an interesting experience, and I would see things that were different.

One of the problems with a two week program is that you don't see enough of what the line staff do. You get the overview from the administrators, but you do not get the opportunity to go around and meet line staff and talk with them. I really felt that at the end of two weeks, I had just scratched the surface of the system in Philadelphia. I would certainly like to have had more time to get around the field offices and talk to the line staff, see some more probationers, and be in on more interviews with probationers so that we could get a better feel of the type of caseloads that they have.



John Scharbach is a graduate of Wilfrid Laurier University, Waterloo, Ontario.

He has worked in probation and parole since 1975. He was the institutional liaison officer at Maplehurst Correctional Centre, and then moved to Brampton where he was responsible for clients who had drug and/or alcohol problems. Mr. Scharbach is currently the parole coordinator, Mississauga.

He is married and has one child. His interests include hockey, reading, movies, and the theatre.

Mr. Scharbach's reminiscences regarding his Philadelphia exchange were taped shortly after his return.

The Japanese Experience

by Dickson E. Taylor

When my August vacation was interrupted by a call from my office, I was somewhat apprehensive. However, this feeling was short-lived when I was told that I had received a letter from Akira Tanigawa, Director-General, Rehabilitation Bureau, Ministry of Justice, Japan. I was invited to a three week tour of the Japanese correctional system¹.

There were so many things to do before I left on November 9, and so little time to prepare. I wanted to learn some Japanese words and phrases before my trip. I contacted the Japanese Cultural Centre and they were very helpful, but their introductory course conflicted with my work schedule. Instead I substituted some reading. In retrospect, I wish that I had had the time to take the course.

My three week visit was to be sponsored by the Non-Profit Foundation Seishonen-Kosei-Fukushi Centre (Centre for the Rehabilitation and Welfare of Youth). They had established a program "to reciprocate the hospitality and arrangements which the selected overseas agencies have offered to our fellowship grantees; to strengthen the professional and organizational ties between the two correctional agencies concerned; and, to more develop the mutual understanding and friendship between the two cultures through the personal encounter and experience engendered by the program".² The foundation has sent a number of probation and parole officers to Canada, United States, and Europe for study. This is a highly sought after scholarship for Japanese correctional workers.

It is interesting to note that the foundation was established in 1967 by the Hitachi Company Ltd., "to offer moral and financial support of Japanese probation and parole services".³ This is the same electronics company whose products are widely known in Canada. There is much more involvement between private industry and corrections in Japan than in North America.

I spent a full day visiting Hitachi Company Ltd., in the City of Hitachi. I toured company plants as well as educational and recreational facilities. Although I am impressed by the diversity of their manufacturing activities and their technology, I was particularly interested in the way the company is intertwined in the everyday lives of its employees. Hitachi has more than 100,000 permanent employees, most of whom will work for the company until they reach retirement. In many ways their lives are built around the company. They live in company-financed housing, belong to company clubs, use company vacation and recreational facilities, benefit from their hospitals and clinics, and their educational centres. With this kind of interest in their employees it is not surprising to find Hitachi, through its foundation, sponsoring programs for the betterment of offenders and for furthering the education and knowledge of correctional workers.

As I learned, the Japanese carry through with a meticulous approach to their planning. In making tour arrangements, their attention to detail more than demonstrated an anticipation to my questions and

concerns. I was left with the feeling that nothing could go wrong. Upon arrival my wife and I were met at Narita International Airport by two representatives of the Ministry of Justice and with their assistance we quickly cleared customs. For the next three weeks, the language and travel demands of each occasion was met by an interpreter and escort.

For the most part, in Tokyo, it is possible to get by if one speaks English, but Japanese is almost essential elsewhere. English is taught in the schools and is considered to be a real benefit at higher government and business levels. I believe that Japan may eventually emerge as a bilingual country.

The assistance that we received was not limited to language and guidance. It emerged when I sought help in understanding their correctional system. We were guests in Japan and, by custom, we received courtesy and respect. However, their attitude and actions went beyond this formality; there was a natural warmth and interest that grew as associations deepened.

It is not my intention to attempt to analyse Japanese culture after a brief three weeks visit, but some observations may be of interest. Before leaving for Japan, I was advised to take a large supply of business cards. I went one step further and had cards printed with Japanese on one side and English on the other. Your 'Meishi' is your identity. The exchange of 'meishi' is a basic business ritual. I am not sure of their full meaning, but I do know that I felt exceedingly embarrassed the day I left my cards at the hotel. From that day on they had equivalent status, at least in my mind, to my passport.

Although name cards may have come from the West, like many other things, the Japanese have made them a business custom. They have a desire strengthened by a willingness to observe and learn from other countries particularly western countries. I found that what they translate for their own use is invariably in a unique Japanese way. I think this is true of their

criminal justice system. The Chief Prosecutor of Kyoto, Mr. Tokoi, in an interview on November 26, 1981 explained there is an interest in structuring some of their legislation and institutions on German and French models. This application is not the result of formal changes, but rather, a reflection of their character and personality.

When I look back upon Japanese habits and customs, I am always reminded of their attitude to both education and work. Those probation officers and correctional workers that I talked to stressed the importance of education in their own lives and insisted that it held the same importance for their children. In Japan, education is seen as an absolute necessity if one is to progress in business and/or government. While preparing for my trip I read a Ministry of Justice publication about the National Bar Examination for lawyers. "The standard of the examination is fairly high and in 1980, out of 28,656 candidates, 486 (1.7 per cent) passed it."⁴ Perhaps this is an extreme illustration but nevertheless it is an example of their demanding and competitive system. The worlds of government and business place heavy demands on Japanese men. Total dedication and long hours of work are the norm.



A pottery shop in a Japanese prison
(Mr. & Mrs. Taylor - centre)

Crime and Justice System

Although I like to approach comparative crime statistics with extreme caution, I believe I can safely quote some figures that are indicative of crime in Japan.

In 1979, the last year for which figures are available, Japan had 1,841 murders including: patricide, infanticide and attempt.⁵ Japan with a population of approximately 120 million has almost the same incidence of homicide as New York City. New York has less than one-tenth of the population. It was our personal experience that my wife and I could travel at all times on the streets and subways of Tokyo without fear or concern for our safety.

The average daily inmate population in institutions has climbed from 45,690 in 1975 to 50,849 in 1979.⁶ Since 1979 the figure has ranged between 50,000 and 51,000. On December 31 of the same year, the probation and parole caseload totalled 78,241. By comparison Ontario, with a population of 8.5 million, had a daily incarceration rate of approximately 5,000 inmates and a probation or parole caseload of 32,000.

The Police

For the population, the number of police officers in Japan is not excessive by our standard. The authorized strength of the Prefectural Police for all Japan as of April, 1980 was 210,100.⁸ The strength of the Tokyo force numbers approximately 40,000 uniformed officers and 3,000 plain clothes officers. Both figures compare favorably with Canada and our larger metropolitan cities. Similarly, the duties of police officers can be compared to those ascribed to police in Canada. A significant exception relates to the use of discretion and the laying of charges, and it is therefore essential to understand the role of the public prosecutor. The police are an investigative agency without power to decide on a criminal charge. This is vested with the public prosecutor who is also authorized to conduct investigations.

Public Prosecutor

The public prosecutor's office is explained as follows:

"It is usually the police that conducts an investigation into a criminal case at the initial stage. When the investigation is completed, the police must immediately refer the case to the public prosecutor, together with the written and other evidence obtained. The public prosecutor in charge of the case referred to him then directs the police to make a further inquiry and sometimes proceeds to conduct an independent investigation into the case by himself until he obtains enough information to decide on the indictment of the suspect, and thus he will be able to institute and sustain a public action against the case."

Apart from this, however, there are a number of cases in which a public prosecutor conducts a completely independent investigation into crime, that is, without the police help, until he has enough evidence to allow him to present an indictment. Crimes of corruption committed on a big scale are often handled by the public prosecutor in such a manner.

Public prosecutors may institute relatively informal criminal action in the summary courts for minor crimes, provided that the defendants make no objection to this informal proceeding. The courts will consider and decide these cases summarily on documentary and real evidence submitted by the public prosecutors without open public hearings. In these proceedings, however, sentences heavier than a fine of 200,000 yen (\$1,000 Canadian) shall not be imposed. If the parties here are not content with the sentences summarily imposed, and demand formal trials within two weeks of receipt of notice of the sentences, the case is prosecuted in ordinary proceedings. In 1979, 2,105,032 persons were prosecuted through these informal channels."⁹

In practice Japan seems to have a rather effective means of diverting cases from the formal trial process. The following provides further explanation.

*"In 1979, 109,938 and 2,138,162 persons were prosecuted in district courts and summary courts respectively. The latter number includes those who were prosecuted by informal proceedings for minor cases. However, even though they are convinced of the guilt of their suspects, they may drop the prosecution, if they find that the prosecution is not necessary in the light of such criminological factors as the personality, age and environmental background of the suspect; the relative gravity and circumstances of the crime; and the circumstances after the offence. A statistical survey made by the Ministry of Justice revealed that in 1979 with about 20% of all Penal Code Offenders against whom the public prosecutors could properly open their formal prosecution, they exercised this discretionary power and did not institute prosecution for one or more of the foregoing reasons."*¹⁰

The Courts

The Code of Criminal Procedure (1948) and the Rules of Criminal Procedure (1949) govern criminal procedure in Japan. Because Japan is a civil law country, case law is of secondary importance. In 1980, there were 575 summary courts, 50 district courts, and 8 high courts (courts of appeal), and the Supreme Court. Japan has 50 family courts and their jurisdiction and procedure is set out in the Juvenile Law of 1948.

The court system is explained:

*"In minor cases the summary courts are trial courts of first instance. In relatively serious cases the district courts are trial courts of first instance. The high courts (the courts of appeal) usually are trial courts of second instance; in cases of specific serious crimes such as crimes relating to insurrection, however, they function as trial courts of first instance. A summary court consists of one trial judge, whereas a district court consists of one or three trial judges according to the gravity of the case it handles. A high court consists of three judges except in certain specific serious cases where five judges constitute the court."*¹¹

Not unlike our own Juvenile Delinquents Act, which combines legal procedures with social objectives, their juvenile legislation gives the state a parental role in planning for the welfare of delinquent youth.

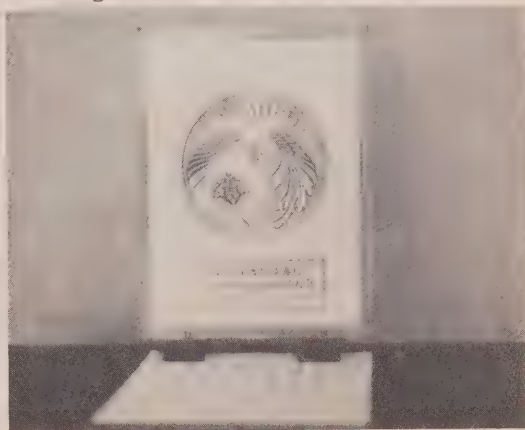
It is important to note that the age of juveniles in Japan is defined as under 20 years of age. This has a significant effect on correctional institutional programs as well as probation and parole services.

Probation and Parole

With the adoption of a new constitution in 1947, probation and parole services in Japan were completely reorganized. The Offenders Rehabilitation Law passed in 1949 is the basic law that provides for community treatment. It specifies five categories of offenders for whom probation and parole officers are responsible:

- (1) juvenile probationers
- (2) adult probationers
- (3) training school parolees
- (4) prison parolees
- (5) guidance parolees

There are 50 offices located in the same cities as the district courts. There are almost 900 full-time probation and parole officers. Eighty-four officers are attached to parole boards, and the remaining 800 are engaged in supervision and aftercare work this is not a function of the officers. Predisposition reports are used in the family courts and these are prepared by investigators who work for these courts.



(1)	Juvenile probationers	
	(a) non-traffic *	22,116
	(b) traffic * long-term	11,228
	short term	9,472
(2)	Adult probationers	23,483
(3)	Training School parolees	
	(a) long-term	2,643
	(b) short-term	1,292
(4)	Prison parolees	6,006
(5)	Guidance home parolees	<u>1</u>
		76,241

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Juvenile probationers and parolees	46,751
Adult probationers and parolees	29,490

The probation system in Japan, as it exists today, was established after World War II. Its founding roots go back well over 100 years, during which time there was a long history of volunteer assistance to offenders.

* motor vehicle offences

"Legally, the volunteer probation officer is defined as a non-permanent official of the National Government and entitled to the benefit of national compensation when any bodily injury is inflicted in the performance of his duty. However, he is not paid any remuneration for his service. What the Government pays is only a total or a part of expenses incurred in discharging his duty. In practice, he is reimbursed a certain amount irrespective of real expenditure; as of 1980, a maximum of 3,580 yen (\$19.00 Canadian) per month for supervising a probationer or parolee, 700 yen (\$3.75 Canadian) for a report on the environment of future desitnation of the inmate and 650 yen (\$3.40 Canadian) for a day's attendance at a training meeting, while in the last two also mileage may be paid within the limit laid down by the national fund when the travel exceeds certain distance."¹³

As in Canada, recruitment of volunteers is not always easy. The local director of probation and parole in Japan is responsible for the initial list of candidates. He usually relies on the help of the local members of the Volunteer Probation Officers Association. The next step is the screening of candidates by an advisory committee "consisting of 15 members or less, consisting of representatives of justice, prosecution, bar, institutional corrections, probation and parole, and other public commissions as well as learned citizens".¹⁴ Successful candidates receive an appointment from the Minister of Justice for two years. He or she is

recognized as a public official of the state without pay. Most appointments are renewed after two years.

The table that follows provides information on the age of volunteer probation officers.

Volunteer Probation Officers
by Age (1980)¹⁵

Age	No. of VPOs	%
Under 40	782	2
40-49	4,686	10
50-59	15,102	32
60-69	16,746	35
70-79	8,798	19
80 and over	739	2
Total	46,853	100

It would appear that the average age of the volunteer is close to 60. This was confirmed by officers. Some felt the age difference between volunteers and probationers was a handicap. They also acknowledge that young probation officers and older volunteers sometimes clash over values and disagree on appropriate responses to a probationer or parolee. However, veneration of age in the Japanese culture is still a strong argument for the retention of their present practices. In Ontario, where the average age of volunteers in probation is 30, we are in a strikingly different position.

What are the major characteristics that distinguish probation and parole in Japan from our system in Ontario?

- (1) Clearly the use of volunteers in Japan is significantly different. The vast majority of probationers and parolees are, at intake, assigned to a volunteer for supervision. The volunteer reports regularly to a probation officer on the progress or otherwise of the client. Volunteers provide the

day-to-day contact service. Although the average caseload of a probation officer in Tokyo in 1980 was 142, each officer was assisted by about 80 volunteers.

- (2) Violations are taken relatively seriously and usually dealt with through formal action. For example, in the Tokyo Probation Office in 1980, of 839 adult probation terminations - 27 per cent represent revocations. These include revocations initiated automatically by the courts of criminal jurisdiction, hence only part of the revocations were applied for by chief probation officers to public prosecutors' offices.
- (3) Although pardons have several applications, of most interest to me was their application to adult probation and parole to be discharged early from his/her sentences, he/she must apply for a pardon to the probation office. A follow-up investigation and report is made to the director of the probation office who, in turn, processes the application through the National Offenders Rehabilitation Commission to Cabinet. Needless to say, early termination by pardons occurs rather infrequently. Still this is the only method of early discharge from sentence available - a probationer cannot be returned to court for early discharge.
- There is provision for early discharge from supervision through regional parole boards. When authorized, the sentence remains active. Pardons are not applicable to juvenile probationers and parolees who are ordered educative measures at the family court, but for juveniles early discharge is used extensively.
- (4) Traffic offences constitute a significant proportion of all office caseloads. Of the 15,515 cases handled in the Tokyo probation office

in 1980, 2,181 were traffic violators.¹⁶ Many traffic offenders in Japan are seen as needing more than a simple fine and are frequently dealt with through probation - group treatment methods are being used experimentally with traffic offenders.

- (5) The age distinction of offenders is important with all those under 20 going to the Family Court where the length of probation is two years or, until the offender is 20 years, whichever is the longer.

The adult probationer has a definite period fixed by the criminal court: from one to five years. As a consequence of the high juvenile age, approximately 70 per cent of all probation cases are assigned from the Family Court.

- (6) Probation and parole use Rehabilitation Aid Hostels extensively. There are 17 such hostels in Tokyo with a total capacity of 517. Most of the hostels have a larger capacity than we are accustomed to. The writer visited Shinko-Kai hostel with an authorized capacity of 40.

Of the 103 hostels in Japan, 100 are operating and three are under renovation. Their capacity ranges from 10 to 80. I found it interesting that the Director of Shinko-Kai recalled that the local people were strongly against having the hostel in the beginning, now they find it very acceptable. This did not sound unfamiliar.

- (7) It is realistic to anticipate that Probation and Parole Services in Ontario will have a computerized information system available to staff by the fall of 1982.

I saw no evidence of any move toward an electronic information system in the Tokyo Probation Office. However, this means of

handling and storing information is being developed within their Ministry of Justice.

Institutions

The following is a list of institutions visited:

- Kanagawa Medical Juvenile Training School
- Hchioji Medical Prison
- Tama Juvenile Training School
- Kawagoe Juvenile Prison
- Fuchu Prison
- Tokyo Juvenile Classification Home
- Kyoto Classification Centre

As a consequence of visiting numerous and distinctly different institutions, there is need to exercise constraint in writing this paper or it would become unreasonably long. Perhaps, the best approach is to first provide some general information about the Japanese prison system and then later refer specifically to certain features.

There are 74 major prisons in Japan for the confinement of sentenced offenders. In addition, there are 115 so-called branch prisons mainly for accused people under trial. These are similar to our county jails. Of the 51,000 prisoners in confinement in December, 1980, 8,000 were either awaiting or under trial and 43,000 were sentenced.

Japan runs a very closed system which virtually assures the authorities that escapes and attempted escapes will be kept to a minimum. Hence, it is not surprising that they had only four escapes in all of Japan last year. Temporary absence for prisoners, as practiced in Ontario, is not provided for in law in Japan. However, Japan does provide for work release, and, perhaps because of careful screening, it is applied on a small scale.

Industry is central to the operation of Japanese prisons. At least 95 per cent of all sentenced offenders are obliged to work. Prisoners work a 44 hour week which includes working on Saturday morning. Kawagoe Juvenile Prison has vocational training shops and industries that range from metal work, woodworking, hairdressing, car maintenance, manufacturing of shopping bags, track shoes, to tatami (Japanese mats).

As at Fuchu Prison, which places great emphasis on industry, the manufacturing operations are serious business. The products are produced on contract for outside industry and there is a clear expectation of efficiency and profit. There is a further expectation that the inmate will achieve rehabilitation through work.

Classification plays a central role. There is a classification centre in each of the eight jurisdictions. I cannot explain adequately their classification system in a few words. Nevertheless, I think the following may be useful.

Classification centres go beyond an attempt to study and to understand the inmate through conventional psychiatric, psychological, and social work techniques. Work is used during classification to explore the inmates' vocational needs and to provide an orientation and training in prison discipline. Follow-up and assignment depend upon the particular category to which a prisoner is assigned. The range is varied but can be roughly broken into three groups:

- (i) Prisoners are grouped by sex, nationality, kind of sentence, age, and prison term.
- (ii) There is a further grouping according to the "degree of advancement of criminal inclination".
- (iii) By mental handicap, physical, and emotional illness.

The expectation is that prisoners will be assigned to prisons that provide appropriate treatment and custody. In North America, various classification systems have been designed for the same purpose, but in application have frequently fallen short of the ideal. I hazard the opinion that, in Japan, their classification system is applied as designed with few breaches in application. Geographic distances and lack of overcrowding in their institutions favor this type of classification. In addition, the Japanese have demonstrated, in the management of all correctional services, a dedicated discipline to doing well that which is seen as basic and essential.

The information I was given, and my own observations about staffing, lead me to picture a system that stands in marked contrast to ours. My most interesting institutional visit was to Fuchu, a maximum security institution for 3,000 prisoners. The inmates were described as the advanced type of criminal. Most had been sentenced for violent crimes. On the day of my visit there were 2,400 inmates and the institution was run by a total staff of 444. Guards work a 48-hour week and take one day off every seven days. They are expected to live in government housing adjacent to the institution. This accommodation is part of their remuneration.

From talking to guards and officials, I learned that most had a long history of institutional service in corrections. And, some said that their fathers had similarly served as guards or officers. There are certain positives in this for the prisoners.

Atsushi Nagashima, Superintending Prosecutor for Nagoya, Japan in an address to the American Congress of Corrections in 1980 stated:

"Corrections, located at the final stage of criminal justice system, places utmost emphasis on prisoner reformation and rehabilitation. Not infrequently, a single line employee is assigned to a workshop where a group of 20 or more inmates work during the daytime. It is a rather common

occurrence at present to hear the group of inmates call him Oyazisan, meaning Beloved Father. It suggests that in such a workshop, mutual understanding and close ties, just like those that exist in a family, have been cultivated through a compassionate, fair, and yet disciplined, handling of inmates. Line staff, trained to become exemplary, fatherlike figures to the prisoners and to work in direct contact with them day and night, are expected to care for prisoners as an all around treatment staff. He is the first man to whom prisoners seek advice and voice complaints about any problems from difficulties facing them in prison to their future life plans in society. In reality, discipline and prison have been the two main treatment methods in the hands of such line staff aiming at prisoner reformation."¹⁷

While in Fuchu Prison, I walked through several industrial shops where more than 100 prisoners worked under the supervision of only two guards. Certainly the prisoners were aware of our presence but neither acknowledged nor spoke. They simply continued with their work. Their shops were clean and well-cared-for as was the machinery. At Tama Juvenile Training School, I enquired about a blue line about 12 inches wide painted down the middle of the walkway between buildings. This, it was explained, is for the inmates to walk on so that they will maintain a single, orderly file.

There is a small financial incentive to encourage satisfactory work. For example, prisoners ordinarily receive 2,500 yen a month (\$13 Canadian). A particularly industrious worker could increase this to 4,000 yen (\$21 Canadian). Although well-trained and certified in trades, prisoners still experience difficulty in getting jobs upon release. The stigma attached to their offence and imprisonment makes it difficult for many in a society that honors so highly attainment and conformity.

Remission is not a factor. In Japan, there is neither statutory remission nor remission for reasons of productivity or good behavior. Even if an inmate aspires to

release on parole, the incentives are less than exciting. Parole, when granted, comes late in the prisoner's sentence. A prisoner would be most fortunate to be released before the expiration of three-quarters of his/her sentence. And if the parolee is returned on a violation there is no credit received for time served outside the institution.

Summary

To be realistic, one cannot expect to make exciting observations after visiting any foreign correctional system. Most of what I saw are things that we have done or are doing. However, they are done in a characteristically Japanese way. For example: the way our tour was organized, the way their institutions are run, and the way they supervise probationers. Every detail commands attention, there is no place for neglect, for lack of interest, and this requires discipline and working together. Writing in the Harvard Business Review, Robert H. Hayes makes a similar observation after visiting manufacturing facilities in Japan:

*"Although I found no exotic, strikingly different Japanese way of doing things I did notice several areas to which the Japanese had directed special attention. The factories I visited were exceptionally quiet and orderly regardless of the type of industry, the age of the company, its location, or whether it was a U.S. subsidiary. Clearly, this orderliness was not accidental. The meticulousness of the Japanese worker was not, in my opinion, the major reason for the pervasive sense of order that I observed. It seemed instead to result from the attitudes, practices, and systems that plant managers had carefully put into place over a long period."*¹⁸

Coming from North America, I am impressed by the disciplined conscientious approach of the Japanese officials and staff in their justice system. Most are lifetime employees with long term commitments to the work. Leadership, which in most cases comes up through the ranks, seems to be highly respected.

In Japan, the Canadian, accustomed to a multicultural society is thrust into a unicultural country with deep roots in Buddhism and the discipline of Zen. The contrast is a stark reality, but the shock is only temporary.

Having experienced the warmth, acceptance, and dedication of our Japanese associates, it was easy to bridge the differences and understand that many of our correctional practices cannot be duplicated in Japan, nor can theirs be duplicated in Canada. Perhaps the best example is their emphasis on volunteers in probation and parole. I do not believe it could be used as a model in Canada because it is dependent upon a strong sense of community and a respect for the wisdom of age. Both are dominant characteristics of Japanese society.

Most important, by visiting and experiencing their correctional system, there has been a mutual sharing that has contributed to our understanding and certainly added to my respect and appreciation of our Japanese associates.



Dickson Taylor is a native of Toronto. He studied social science at the University of Western Ontario followed by post-graduate studies at the Faculty of Social Work, University of Toronto, where he earned his masters degree.

He practised social work with the Family Service Association of Toronto for two years, then began his work as a probation officer in Simcoe County. He worked with the juvenile and family courts in both Simcoe County and Metropolitan Toronto.

From October 1959 to September 1972 he was with the Ontario Probation Service as a senior officer supervising probation officers and was supervisor of staff training and development.

In 1972 he was appointed director of Juvenile Probation and Aftercare Services in Ontario and then became director, Probation and Parole Services. Mr. Taylor is acting executive director, Community Programs Division.

Mr. Taylor is very interested in foreign correctional systems. His most recent visits were to England and Japan.

FOOTNOTES

1. Letter from Akira Tanigawa, July 30, 1981.
2. *Ibid.*
3. *Ibid.*
4. Ministry of Justice, Japan. **Criminal Justice in Japan**, N.d., pp. 44-45.
5. Research and Training Institute, Ministry of Justice, Japan. **Summary of the White Paper on Crime: 1980 Tokyo**; Ministry of Finance, Printing Bureau; pp. 4-5.
6. *Ibid.* p.38.
7. Rehabilitation Bureau, Ministry of Justice, Japan **Community-based Treatment of Offenders in Japan: 1981** p.25.
8. *Op. Cit.* **Criminal Justice in Japan**; p.4.
9. *Ibid.* pp. 11-14.
10. *Ibid.* p.14.
11. *Ibid.* p.16.
12. **Community-based Treatment of Offenders in Japan**, *Op. Cit.* p.25.
13. *Ibid.* p. 14.
14. *Ibid.* p. 15.
15. *Ibid.* p. 16.
16. Tokyo Probation Office: **Profile of the Tokyo Probation Office**, (mimeograph, Tokyo, 1981): p.5.
17. Atsushi Nagashima: **Corrections in Japan**. Proceedings of the One Hundred and Tenth Annual Congress of Corrections of the American Correctional Association, San Diego, California, 1980: pp. 97-98.
18. Robert H. Hayes, **Why Japanese Factories Work**, Harvard Business Review, Volume 59 No. 4 (July-August 1981): p.59.

by Arthur S. Nuttall

One of the many strengths of Ontario's community resource centre (C.R.C.) program is its versatility. During the seven years of development and operation, a wide variety of problems have been successfully dealt with through a variety of programs initiated by C.R.C. staff.

No two C.R.Cs. are alike, no two C.R.Cs. offer exactly the same programs, no two C.R.Cs. have the same strengths, and no two C.R.Cs. follow exactly the same course in attempting to provide the greatest help possible to individual residents. It is a triumph that the ministry accepts this.

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C.R.C. enrichment

by Cathy Bourque

The Durhamcrest enrichment program recognizes that, in addition to a program covering the basic essentials such as employment, accommodation, and a stable family life, there is a value in introducing, into the C.R.C. program, a variety of potential interests that different residents may pursue for their own personal enjoyment and future betterment. The programs may lead to the enrichment of their lives in the community.

With this as the basic philosophy, the staff at Durhamcrest have developed a multi-faceted program with two basic tenets. The first is that there are many people in the community who are capable of widening the horizons of C.R.C. residents by giving them encouragement, support, and information on new interests. The second is that residents themselves are capable of reaching out and helping people in a variety of ways. By helping others, residents develop a greater appreciation of life; and they can find inner resources of which they are unaware. Within these two aspects of the program, the staff endeavor to provide as many opportunities for interaction with as wide a variety of people and situations as possible. In this way, they hope to find the catalyst that will initiate change with each resident.

The program coordinator supervises the training of community volunteers who bring a wealth of experience to the programs in such areas as Alcohol Anonymous, religious counselling, St. John's Ambulance courses, a 'Decisions' program, a cooking for single men course, a money management course, and a literacy program. The interaction between residents and community volunteers serves to widen the horizons of the residents and affords them the opportunity to follow up new interests under the guidance of someone who already has specific knowledge and interest. The in-house recreation program is a good example of the variety of programs available. It includes: table tennis, pool table, weights, dart board, punching bag, table games, television, and a small library. Some of these activities involve participation from community volunteers. Special emphasis is placed on job search and employment training, life skills, and family visits.

It is not unexpected that even civil servants recognize the difference between a bush camp operated by native Canadians in the north and an urban residential centre operated by the John Howard Society in the centre of Toronto. What is delightful and supportive is that all residential centres in Ottawa, Kingston, London, Toronto (in fact all five centres in Toronto), have programs that vary considerably in emphasis. Even two

centres situated side-by-side, operated by the Salvation Army, are very different in their concept and attitude towards the needs of individual residents.

The above does not indicate a lack of standards nor a less than acceptable program in any community resource centre. Standards are in existence but they are the minimum acceptable, and all C.R.Cs. set for themselves far higher

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...widening of interests and personal interaction, in addition to its obvious value also serves to help develop a more thoughtful and appreciative approach to life in the community. It shows residents their strengths and weaknesses and in conjunction with the 'out-going' program, enables them to develop a proper balance between giving and receiving.

By affording C.R.C. residents the opportunity to do volunteer work or attend meetings in the community, the residents are able to form on-going relationships with various groups. Residents provide volunteer maintenance work at the Durham Board of Education and by working with the regular custodians establish a relationship, that in many instances, they had never previously envisioned. At Cheshire Homes, a residence for physically disabled adults, they perform a dual function. On Tuesday nights, they socialize with the residents at the home and play cards or participate in other activities. On weekends they cut grass, or when needed, shovel snow. C.R.C. residents also perform other maintenance tasks. The whole project has positive effects on both sets of residents and the inter-relationship develops a greater sense of mutual worth.

Similar involvements are with a senior citizens' apartment building, Faith Place, and the Oshawa Senior Citizen Centre. In both instances, the C.R.C. residents are able to provide some of the necessary physical assistance such as snow clearing, shopping, setting-up tables for bazaars, bake sales, and so on. They recognize that they are a very necessary resource for those in need of help. This type of involvement is appreciated not only by the residents of the C.R.C. but also by members of the local community. It is gradually extending into other areas and into other types of commitments such as helping with the re-cycling of waste materials.

The goodwill thus engendered in the community reflects itself in public appreciation of the program. The community resource centre has a high public image and a high level of acceptability. This is particularly useful in a time of high unemployment when men are endeavoring to establish themselves in the community and can tell a prospective employer that they are part of the community resource centre which is recognized throughout the community as providing a worthwhile program. It is a sense of pride that lasts and pays lasting dividends.

standards than those established by consensus of the ministry and C.R.C. directors.

The success of any residential program is dependent upon the enthusiastic direction of staff. They must be committed to utilizing their own resources to the fullest in the way that can best marry these resources. Program success depends not only on the staffs' ability to use resources

but also on the inmates' ability to accept them.

As C.R.Cs. developed, starting in 1974, it was obvious that some very strong personalities would be able to provide the ministry with purposeful programs for the benefit of potential residents, providing **they were permitted to get on with the job in their own way without undue interference.** In consequence of this expectation

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by Maurice Bloch

The Madeira House aftercare concept was developed specifically for those released C.R.C. residents who require ongoing supervision, support, and counselling, once they are returned to the community. This may be because the time spent in the C.R.C. has been too short to effect or consolidate change in circumstances, outlook or lifestyle. Aftercare may prove vulnerable simply because, for most offenders, the time immediately following release can be difficult both economically and psychologically; often leading to recidivism.

This is when aftercare becomes of primary importance. We are attempting to help at a time when it is most needed. For those taking part in our enrichment program, loneliness, isolation, fear, and temptation are being replaced by cameraderie, companionship, hope, and help. These are coupled with suggestions for an alternative lifestyle and a more appropriate mode of behavior. We are striving to meet the needs of those who require human contact and support.

Aftercare, therefore, is seen by us at Madeira House as an obvious extension of the C.R.C. Those residents, while still in our care, who are willing to take a close, hard look at themselves in an effort to change antisocial habits and behavior, would obviously be more inclined to get involved in our aftercare program, as opposed to the individual who is just 'passing through'.

Aftercare begins the moment that the resident arrives at Madeira House from Mimico Correctional Centre. It is imperative that some kind of bond, or trust relationship develop between the resident and staff. Without this trust factor, no therapy can take place and efforts at programming would be a waste of time. You just can't say to residents, "Hi, you guys, we've got this swell program we'd like you to take part in. . . .". There must be a relationship and mutual respect on both sides.

It seemed obvious to us, at the outset, that a major focus of our aftercare program would be in the community. If ex-offenders are going to re-integrate into society, then that is where our orientation must be. With this in mind, the concept begins to grow from its initial embryonic stage to the following.

We approached probation and parole and discussed the situation with them. As a result, we have a caseload of clients on probation. I supervise them at my office and also in a number

proving to be a reality, the philosophy of the branch has always been to try to give 'support without interference'. This was particularly pertinent in that the director of the branch never felt that he had the ability to operate a program himself.

As programs developed, it was obvious that 'community' staff had the ability to develop to a greater degree than expected in many aspects of the residential

program. Instances of this, dating back to the early years, include the very purposeful and successful employment programs developed in Kitchener House by Ken Motts and Pam Taraday - the 'wise use of leisure time' coupled with a sort of 'meaning of life' philosophy developed by Sister Gail McDonald in Kairos went far beyond what one could normally envision - and the 'reality therapy' in the House of Hope left residents with a very definite feeling that

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different probation locations. When a resident is being released from Madeira House and on a probation order, I usually discuss the situation with the volunteer coordinator at the office involved and contract to supervise our resident as a field volunteer probation officer. This program is excellent for the resident because he already knows, and hopefully, trusts me. These facts lay to rest any gamesmanship that might otherwise be played.

Establishment of the 7th Step, a positive peer culture group, was important. We have a number of ex-residents who return, with their wives, to our programs which proves to be a very important positive reinforcer. This group operates out of the local community centre on a weekly basis and serves to develop self-insights for the residents who attend. The ex-residents continue the therapy and become positive role-models for their former room-mates.

Last Fall, we implemented our Adopt-a-Resident program in which families in the community take one resident 'under their wing'. This can involve having the man home for a meal, or a trip to the movies, etc. The idea is that the relationship will hopefully continue after the offender is released - again the concept of changing his circle of friends and thus his attitudes towards society.

Also recently started is our program designed to work with impaired drivers. This is a weekly group session and is available to ex-offenders as well as those who are incarcerated. We are also willing to take referrals from other C.R.Cs. and any other agency who might want to use the service.

Taking a systems approach to our task, we include the families of our clients in as many of our programs as possible. Marital counselling is available for those couples having problems. Referrals are made to appropriate agencies should special help be required.

Many of our residents and ex-residents are now actively volunteering in the community. A number of our men are regularly helping-out at an outreach program at a local community centre. Through this valuable experience, our residents have found out that there are benefits to helping other people less fortunate than themselves. Part of the benefit is in finding out that there are individuals who are a lot worse off than our residents think they are. A very positive sign is that some of our men are continuing with the volunteer work after release.

unless a change in life-style were accomplished, present problems were minimal compared with what lay ahead. These and many others were adjuncts or extensions to the basic programs encountered in every C.R.C.

As time went by and fiscal restraints started to take their toll, it was obvious that progress, by means of program development, could only be achieved if

enthusiastic proponents of particular aspects of the program were given the ability to go beyond the financially restrained efforts they had been able to accomplish. It was also necessary to get an assessment of what enthusiasm could do with few resources, and what beneficial effect this could have on the total residential program.

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An innovation, being worked on at this time, is a meals program for seniors in our community. So far, we have a few regulars, who come in once or twice a week to have a meal with the residents and stay afterwards to socialize and sometimes play a game of snooker or cards. We hope to expand this service so that those in real need would be able to eat with us at least once or twice a week.

Naturally every resident who comes through our house does not participate actively in the enrichment program. For some men, their only concern is work or their family. Some residents, just do not care about anything and it is those individuals who concern me. That is not to say that that man can't be reached; it just means we have to work a little harder.

In the relatively short time I have been involved with the Madeira House program, a couple of observations come to mind. First, aftercare/enrichment has to be a 'House-Held' philosophy. If this is not the case, then only 'lip service' is being paid to a very worthy cause and the losers are the residents and ultimately the community. At Madeira House, we employ the 'team approach' to aftercare. Everyone is involved in some way shape or form in the concept of staying with these guys after release.

So as to ensure a full assessment, each program will be terminated at the end of twelve months, although a **single** twelve month renewal is permissible. After two years, a completely new submission with appropriate amendments must be submitted. It is our intention to make information available on all programs to all C.R.Cs., not with the expectation of exact duplication but with a view to using the experience gained as a catalyst for change

in other C.R.Cs. in accordance with their own ability to utilize the experience gained and to develop similar programs appropriate to their own setting.

This is, in effect a 'can't lose' situation in that the best outcome is tremendous purposeful progress throughout the whole system. The worst that can happen is that scattered program development will have been accomplished for minimal financial input.

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by Ellen Adelberg

In February 1981, the Elizabeth Fry Society of Ottawa hired a transitional support worker. Her role is to assist ex-residents from Macphail House, a community residence under contract with the ministry, and Fergusson House C.R.C. reintegrate into the general community. She works on a full-time basis out of the main office of the Elizabeth Fry Society of Ottawa.

How the Need Arose

Since 1973, the Elizabeth Fry Society of Ottawa has been operating a residential program for eight women at Macphail House and since 1979, it has been operating Fergusson House - a community resource centre for eight women. Over the years the staff, at both houses, developed an increasing awareness of the need on the part of ex-residents for assistance and support in their effort to reintegrate into the general community. In fact, an increasing amount of staff time was devoted to helping ex-residents gain access to resources such as housing, employment, and day-care. Staff, at both houses, found they were spending much of their time offering emotional support and services to ex-residents. As the numbers of ex-residents grew over the years, it became increasingly difficult for staff to balance these needs with those of the current residents. As a result, it seemed logical to initiate a transitional support program which would relieve some of the pressure on the house counsellors.

The Framework for the Transitional Support Program

The goal of the program is to continue the opportunity offered to the residents that enabled them to develop the skills and self-reliance they need to live in harmony with society.

An initial evaluation of a resident's needs is made before she leaves the residence. The worker then meets with her as frequently as needed and helps her link up with the necessary community resources.

These resources may include: affordable housing, employment assistance centres, educational programs, and mental and physical health care facilities in the Ottawa area.

The three programs here described provide an indication of the way C.R.C. staff responded to this opportunity. Two programs are concerned with aftercare, an area that most staff saw as the crucial stage where assistance could pay big dividends. The third program is essentially a life enrichment program. Just as kids laugh when they are happy, men who are getting more out of life give obvious indications. It is certain that this will have a lasting effect.

These, then, are three programs initiated by staff of C.R.Cs. who are endeavoring, in their own way, to make correctional residential programs more purposeful for the offender and for the community who finance the programs.

Other programs that have been developed by the Elizabeth Fry Society are:

- one-to-one counselling by volunteers for clients who require special attention.
- a tutoring program for clients who need help with basic academic and survival skills.
- a drop-in evening once every two weeks, coordinated by a University of Ottawa student. Films, speakers, recreation activities, and craft sessions requested by the participants have all been organized successfully at the drop-in.
- organized data collection. Statistics are collected on all of the women who are being assisted by the Transitional Support Program in order to monitor their progress and to evaluate the success of the program. Those who indicated they do not require assistance are contacted every three months to assure them it is available if needed.

Statistics for First Nine Months of Program

Number leaving residential facilities between February 1 - November 30	49							
Number requesting assistance	25							
Number contacted but no assistance required	18							
Other (have left country, are currently incarcerated or re-admitted to residence)	6							
Number requesting assistance who left residence prior to February 16	20							
Ages:	$\frac{16}{1}$	$\frac{17}{3}$	$\frac{18}{11}$	$\frac{19}{8}$	$\frac{20}{1}$	$\frac{21-24}{9}$	$\frac{25-29}{3}$	$\frac{30+}{9}$
Nos.:								

The areas where assistance is most requested are: accommodation, employment, financial management, and emotional assistance.

Final Words

The Transitional Support Program of the Elizabeth Fry Society of Ottawa provides a valuable bridge for women with a broad range of problems which often include conflict with the law. These women have started to restructure their lives during their stay at Macphail House and/or Fergusson House. Now, they can continue this process with more assistance and support than in the days before the Transitional Support Program's existence.

Arthur S. Nuttall, F.L.A., started with the Ontario Ministry of Correctional Services (then Department of Reform Institutions) in 1958. He served variously as chief librarian, director of information, and executive assistant to the deputy minister, before taking over the newly created post of coordinator of group homes in 1972. Following the development of a program of more than 30 group homes by a variety of community agencies, he became the first supervisor of the community resource centres program for adults in 1974. Since that time 53 community residences have been established.



Cathy Bourque was the volunteer coordinator, enrichment program at Durhamcrest Centre from 1981 to 1982.

She is presently the volunteer coordinator, Durhamdale House, Pickering.

Miss Bourque has a B.A., psychology, Guelph University.

Maurice Bloch is the aftercare coordinator at Madeira House C.R.C. He was the social services coordinator, House of Concord from 1976 to 1981.

Mr. Bloch obtained his B.A. in sociology from York University.



Ellen Adelberg has been the director, Ferguson House C.R.C. since September 1981. Before that Ms. Adelberg was at Carleton University, Ottawa, where she obtained her M.S.W.

Ms. Adelberg has written a survival guide for single mothers which is entitled **What's Where and How to Get It**.



Natives in Conflict with the Law

by Stan Jolly*

For native people, Ontario's criminal justice system is a colossal failure. It does not deter; nor does it rehabilitate. Police, courts, and correctional agencies are impotent in the face of a continuing crisis caused by the distressingly high numbers of native citizens in conflict with the law. In spite of the sincere, well-meaning efforts of concerned police officers, judges, probation and parole officers, crown attorneys, defence counsel, correctional authorities, politicians, and policy advisors, the appalling situation characterized by the disproportionate involvement of native people in the criminal justice system is not improving.

No figures are available in Ontario on the numbers of native people who are annually charged with offences by the police. No statistics are kept on the disposition of these offences by the courts. We have no way of knowing, for example, the representation of natives among those acquitted, fined or placed on probation by the courts.¹ The only indications which we now have as to the relative involvement of native persons in the criminal justice system in Ontario are the statistics compiled by the Ministry of Correctional Services on the native admissions to and discharges from its provincial institutions.² Although they give an incomplete picture of the total reality of native conflict with the law, the correctional figures do reflect, albeit imperfectly, what is happening at the arrest, prosecution, and judicial stages of the process.

An analysis of admission statistics for the 1980-81 fiscal year from the Ministry of Correctional Services reveals that native men and women are continuing to be incarcerated at a level which is two to 25 times the rate that their share of the total population would seem to warrant -- depending on the length of sentence, type of crime and age category. Although natives (status and non-status Indians and Metis) made up only two per cent of Ontario's total population in 1981,³ they accounted for:

*Mr. Jolly is the coordinator of the Ontario Native Council on Justice. The perspective and opinions expressed in this article are his own and do not necessarily represent those of the council.

- eight per cent of the total male admissions and 17 per cent of the total female admissions to the correctional system⁴
- 11 per cent of the total male admissions and 30 per cent of the total female admissions for sentences of less than 30 days
- 10 per cent of the total male admissions and 28 per cent of the total female admissions for sentences of less than 90 days
- 17 per cent of the total male admissions and 53 per cent of the total female admissions for liquor offences
- four per cent of the total admissions and seven per cent of the total female admissions for property offences
- six per cent of the total male admissions and 21 per cent of the total female admissions between the ages of 16 and 25
- 12 per cent of the total male admissions and 35 per cent of the total female admissions between the ages of 51 and 70.

The Kenora area in northwestern Ontario, where native residents are estimated to make up about 25-30 per cent of the total population, is a focus of special concern. In 1980-81, natives accounted for 75 per cent of the total male admissions and 94 per cent of the total female admissions to the Kenora Jail. It is surely disconcerting that in 1980-81 the native male admissions to one institution, the Kenora Jail, constituted 26 per cent of all native male admissions for the whole province. native female admissions to the same jail amounted to a staggering 47 per cent -- almost half -- of all native female admissions to the entire correctional system.

In the 1980-81 fiscal year, 2, 786 native men and 506 native women -- a total of 3,292 individuals -- were admitted to provincial institutions. Native men accounted for seven per cent of all the

The Ontario Native Council on Justice: A Unique Offspring of a Federal-Provincial Conference

In this gloomy scenario, however, there are some shafts of light. These rays of hope stem from the dedicated efforts of native people themselves -- with financial support and sustained goodwill from key figures in both the provincial and federal governments -- to reform and adapt the non-native criminal justice system so that it responds more effectively to the special characteristics and needs of native individuals and communities. One of these efforts -- and by no means the only one -- is the Ontario Native Council on Justice.

The 1975 Federal-Provincial Conference on Native Peoples and the Criminal Justice System was a watershed experience for native participants from throughout the country who were concerned about the disproportionate numbers of status and non-status Indians and Metis who were in conflict with the law. Significant promises were made by federal and provincial ministers in attendance. Commitments were given. Expectations were raised.

One of the recommendations passed at this historic conference held in Edmonton, Alberta was that:

Native people should be closely involved in the planning and delivery of services associated with criminal justice and native people.

In Ontario this commitment resulted in the establishment of a formal mechanism whereby the spirit and intent of this recommendation and others could be implemented. This mechanism -- whose present structure and survival, to the best of this writer's knowledge, is unique in Canada --⁷ is called the Ontario Native Council on Justice.

History

The Ontario Council on Justice has now been in existence for approximately six years. It evolved from the Ontario Native

Advisory Committee to the Criminal Justice System. This committee had been established in April of 1975 as a result of the Edmonton Federal-Provincial Conference. In late 1976 the committee was restructured to ensure native control. In the spring of 1977 the committee was funded by a grant from the Indian Community Secretariat on behalf of the provincial Secretariat for Justice and the name was changed to the Ontario Native Council on Justice. This crucial grant enabled the council to open an office, to hire staff who would be accountable to its member Native organizations, and to conduct its own research on justice issues.

Membership

The council is comprised of native organizations with a regional and provincial base. Organizations of a local nature, such as an individual band council, friendship centre, branch or service agency, are ineligible for membership.

Eight native organizations have two voting delegates each on the council:

- Association of Iroquois and Allied Indians
- Grand Council Treaty #9
- Grand Council Treaty #3
- Ontario Federation of Indian Friendship Centres
- Ontario Metis and Non-Status Indian Association
- Ontario Native Women's Association
- Union of Ontario Indians
- Native Law Students' Association.

In addition, through the temporary absence program, the council endeavors to arrange the participation of two native inmates from provincial correctional institutions as full voting delegates at council meetings.

men who were admitted to the correctional system. Native women constituted 13 per cent of all the women who were admitted. The native rate of incarceration was almost four times the non-native rate of incarceration - 2,027 per 100,000 estimated native population - compared to 530 per 100,000 of non-native population.

The foregoing statistics, which showed no discernible improvement over the previous fiscal year, are appalling. This disproportionate imprisonment of native people should not just be a matter of concern to the correctional authorities. They have to take what the courts and police send them. It should also be a matter of deep concern to the police who exercise discretion in the laying of charges, the lawyers who represent native clients, the crown attorneys who prosecute native accused persons, and the judges who pass sentence.

While native citizens in Ontario were disproportionately over-represented in 1980-81 admissions to the correctional system, they were less likely to be released on bail, on parole and upon payment of fines than non-native inmates. For example:

- Whereas 20 per cent of the non-native female admissions and 21 per cent of the non-native female admissions were subsequently released on bail, only 10 per cent of the native male admissions and nine per cent of the native female admissions obtained bail.
- 13 per cent of the non-native committals to correctional centres were subsequently released on parole as compared to nine per cent of the native committals.
- 26 per cent of the non-native male admissions and 33 per cent of the non-native female admissions were released upon payment of fines; but only 12 per cent of the native male admissions and 19 per cent of the native female admissions obtained release after paying their fines.

The statistics on releases are as distressing as those on admissions. They showed no improvement over the previous fiscal year. Non-native admissions were twice as likely to be released on bail or upon payment of fines as native admissions. Non-native admissions were more likely to be released on parole than native admissions. This pattern of release, with its evidence of discrimination, in effect rather than intent, should be a matter of concern to Crown attorneys and defence counsels who speak on matters of bail and sentence, to justices of the peace and judges who determine bail and levy fines, and to members of the Ontario Parole Board who decide on most native applications for release.

The 1980-81 statistics on native admissions and releases did not significantly change from the previous fiscal year.⁵ Nothing illustrates this deeply entrenched pattern of native conflict with the law and obvious failure of the present system of police, courts and corrections to change it as clearly as the results of the recent survey of native inmates conducted by the Ontario Native Council on Justice and the Ministry of Correctional Services.⁶ Of the 513 native inmates in the sample who were interviewed in the summer of 1979 and the early winter of 1979-80, 84 per cent (N=433) had previous convictions. In the summer of 1981, 44 per cent (N=224) had been convicted of a total of 2,116 indictable offences. This represents an average of four convictions per inmate. During the summer of 1981, a follow-up record check was carried out on these inmates in the summer of 1981. The results showed that 63 per cent (N=310) of the native ex-inmates received a further 2,088 convictions -- an average of seven per person. Ninety-three per cent (N=1,951) of these convictions led to another term of imprisonment. In all, these native ex-inmates were sentenced to a total of 75,862 days of incarceration. So much for deterrence and rehabilitation!

The Search for a Better Way: Activities of the Ontario Native Council on Justice

The council has engaged in a number of activities to make the criminal justice

During the 1980-81 fiscal year, delegates to council included individuals who were active in its member organizations in the following ways:

- two presidents
- one vice-president
- one secretary-treasurer
- four members of boards of directors
- three staff members (two of whom were lawyers)

Four more delegates were executive directors of Indian friendship centres. Many delegates to council were not directly employed by a native organization. These unpaid volunteers included:

- three housewives
- three independent consultants
- one hunter and trapper
- one commercial fisherman
- one unemployed person
- one miner

Government Relationship

The council is a truly native body. Government representatives participate and assist from time to time but do not vote. Ministry liaison persons to the council include representatives from:

- Provincial Secretariat for Justice
- Ministry of the Attorney General
- Ministry of Correctional Services
- Ministry of Consumer and Commercial Relations
- Ministry of the Solicitor General
- Ministry of Community and Social Services

- Native Community Branch of the Ministry of Citizenship and Culture
- Ministry of the Solicitor General Canada
- Department of Justice

The ministry liaison persons constitute a federal-provincial inter-ministerial committee. They meet prior to the one or two joint meetings which are held each year between them and the council. These joint meetings are conducted by the council's chairperson. Member organizations, native inmates on the council, and ministry liaison persons on the inter-ministerial committee have the right to place justice-related items on the agenda.

The appointment of ministry liaison persons to the council is an endeavor to ensure that there is continuity of direct contact with each ministry, branch or department and a regular flow of communication between government and council concerning specific topics and the means of pursuing the implementation of recommendations. Documentation concerning the activities of council, such as minutes, progress reports and monthly financial statements, are regularly distributed to the ministry liaison persons. Depending on the nature of the specific issue, however, the council has the right to communicate directly with program managers, senior policy makers, a minister, the Cabinet Committee on Justice or the full Cabinet. Copies of any submissions or correspondence on such matters are shared with the appropriate ministry liaison persons.

Objectives

The objectives of the council were established by its member organizations on behalf of the native people of Ontario and its ministry liaison persons on behalf of the Government of Ontario. The objectives are:

- To act in the development of justice policy pertaining to native people and in so doing to identify problems and propose solutions.

system more responsive to the special needs of native people enmeshed in it and to ultimately diminish excessive native involvement. The following five examples may be cited:

1. Research on Native Inmates

The council has completed two studies on native inmates. The purpose of this research has been to increase understanding and knowledge of the problems faced by native people serving time in the Ontario correctional system so that native organizations and government can devise policies and programs to meet more effectively native needs and to eventually bring about a decline in the disproportionate numbers of native people in conflict with the law.

In 1978, the council and the Ontario Ministry of Correctional Services jointly published the findings of a preliminary survey of 213 native inmates.⁸ In order to further explore issues and questions which arose from **The Native Inmate in Ontario, A Preliminary Survey**, the council, in co-operation with the Ministry of Correctional Services and with financial assistance from both the Consultation Centre, Ministry of the Solicitor General Canada and the Ministry of Correctional Services, conducted in-depth interviews with 513 native inmates in detention centres, jails, and correctional centres throughout the province. In 1981, the resulting report, **The Native Inmate in Ontario**,⁹ was jointly published by the council and the Ministry of Correctional Services.

The Native Inmate in Ontario describes the criminal justice experience of a sample of inmates including their current situation, factors related to the offence, the trial process and their prior experience with the criminal justice system. The report details their socio-economic situation, the extent of alcohol and drug abuse and their participation in treatment programs, their social and cultural isolation, and their current problems. The views of the inmates themselves concerning prevention and alternatives to imprisonments are outlined in the

study. Finally, the report documents the fate of the native inmates following their release.

What will be done with this report? The council has agreed to establish a Task Force on the Native Inmate in Ontario to develop recommendations based on the report, to hold a conference on the native inmate in Ontario, to prioritize recommendations from the conference and to monitor implementation of the report and the recommendations from the task force and the council.

Development of Native Inmate Liaison Projects

As a result of its preliminary research on native inmates in 1978 and its commitment to the development of native inmate self-help groups, the council -- in conjunction with the Indian friendship centres in Thunder Bay and Toronto and the Indian and Council Treaty #3 in Kenora -- has completed negotiations in the 1979-80 fiscal year for the funding and establishment of four native inmate liaison projects.

The overall purpose of the projects is to reduce the rate of recidivism among native inmates. The specific objectives are to assist native inmates who wish to:

- form and maintain self-help groups and plan and maintain a regular program of cultural, social, and spiritual activities;
- worship in the traditional ways, celebrate seasonal feasts and perform sweetgrass, tobacco, and sweat lodge ceremonies;
- arrange visits from outside community groups, elders, spiritual advisors and representatives of employment, housing, and other relevant social agencies.
- apply for transfers, temporary absence permits, and parole;
- develop release plans

- To encourage and facilitate the initiation, development and funding of justice-related programs which are designed and operated by and for native people.
- To conduct and publish research on justice-related areas of concern to native people.
- To make recommendations and presentations to individual ministries in the justice policy field, the cabinet committee on justice and any other provincial and federal ministries or department or organizations on justice-related issues.
- To provide consultation on a regular and formal basis among the organizations representing native people throughout Ontario and between those organizations and the ministries and agencies which form and control the justice system.
- To initiate and maintain contacts between the native people and government representatives for the purpose of enabling two way communication and sharing of information.

Funding

Core funding for the operations of the council -- which totals \$157,625 in 1982-83 -- is provided entirely by the Province of Ontario. The costs are shared by the Provincial Secretariat for Justice and the Ministries of Attorney General, Correctional Services, Consumer and Commercial Relations, Community and Social Services and Solicitor General. For ease of administration these funds are channelled through the Ministry of Correctional Services.

In the past, the council has obtained additional monies for special projects from the Ministry of the Solicitor General Canada (Consultation Centre), Department of Justice, Ministry of the Attorney General, Ministry of Correctional Services, and the Native Community Branch of the Ministry of Citizenship and Culture.

The council is financially accountable to the Provincial Secretariat for Justice and its financial records are annually audited by a third party. Monthly financial reports are submitted to all members of council and to ministry liaison persons throughout the fiscal year.

Structure

The council endeavors to meet quarterly in each fiscal year. Meetings are normally open to observers from native organizations whether or not they are represented on council. The council reserves the right, however, to close all or part of a meeting if it so chooses. Decisions of the council are by majority vote of the delegates but every effort is made to achieve a consensus on divisive issues. During its six year history, the council has held 18 meetings of its own, 13 joint meetings with its ministry liaison persons, and one meeting with the Cabinet Committee on Justice.

At each meeting of the council, a chairperson is elected from among the delegates to serve from the close of that meeting until the close of the following meeting. In addition to presiding over meetings of the council and some of its committees, the chairperson also signs important letters, such as letters to government, conveys decisions or recommendations of the council, and represents the council in important meetings and in relations with the press. During the past six years, the chairmanship of council has rotated among four individuals representing three member organizations.

The council has a management committee. It consists of three delegates to council representing three different member organizations on council and the presiding chairperson. They are chosen to represent the interests of the whole council rather than the respective organizations with which they are affiliated. The functions of the management committee are to deal with personnel matters, to advise staff, and to make decisions on matters of a crisis nature which cannot be deferred until the next meeting of council. Nine

- pursue academic upgrading or job training;
- participate in programs of alcohol or drug treatment;
- dispose of any outstanding charges;
- manage personal problems with family, friends, institutional staff, and other inmates.

The duties of the native inmate liaison workers are:

- to visit provincial correctional institutions within their areas on a regular basis;
- to offer counselling to individual native inmates or groups of native inmates;
- to attend staff meetings, case conferences, and classification meetings as a resource person at the request of a superintendent of a correctional institution;
- to act as a liaison between native inmate self-help groups and the management of correctional institutions;
- to act as a liaison between native inmates and the Probation and Parole Services, and
- to endeavor to develop community services, such as halfway houses, community resource centres, or similar facilities which might assist native inmates to reintegrate into society.

The native inmate liaison projects function independently of the council and are funded by separate contracts with the Ministry of Correctional Services. All of the projects have local advisory committees composed of representatives of the Ministry of the Correctional Services and the sponsoring native organizations. The function of these committees is to review and evaluate the progress of the projects on an on-going basis.

Once the projects were established, the council endeavored to assist their continuing development in several specific ways:

- The council organized and funded meetings of a native inmate liaison projects committee to discuss such issues as contract negotiations, training, evaluation, budget planning and funding responsibilities, and
- The council coordinated the initial training program for native inmate liaison workers in October of 1980 and a follow-up training session in March, 1981. The training costs were shared by the council, the Ministry of Correctional Services, and the projects.

The native inmate liaison projects have been in operation for approximately 18 months. During this period, several significant problems have surfaced. The first problem concerns the initiation of an acceptable plan for evaluating the native inmate liaison projects. During the 1980-81 fiscal year, the council coordinated and funded three meetings of a joint evaluation committee on native inmate liaison projects composed of the council's chairperson, one representative from each of the four projects and two representatives from the Ministry of Correctional Services. The function of this committee was to plan for an eventual evaluation of the projects 12-24 months after their initiation. In order to facilitate the recording and compilation of relevant information about the activities of the workers and their clients which could be used in the later evaluation of the projects, the committee approved file intake and monthly reporting forms for use on a three month trial basis by the native inmate liaison workers. The use of these forms and the appointment of an independent evaluator, however, has not been agreed upon by all four projects. Consequently, the evaluation process has stalled. Eighteen months after the projects were initiated, no evaluation mechanism is in place. The projects are thus vulnerable to arbitrary evaluation by the funding body based on success/failure criteria which were not agreed upon at the beginning, inadequate data from the projects, and a non-native costs-benefits analysis.

individuals, representing six member organizations have served on the management committee (or its predecessor, the advisory committee).

In addition to the management committee, the council has committees to oversee special projects or to address specific issues of concern. Sometimes these committees include government representatives as full members.

Volunteer delegates to council and volunteer members of committees and working

The second problem centres on staff turnover. In less than 18 months, all of the original native inmate liaison workers who participated in the initial training program organized by the council have resigned. In half of the resignations, frustration with the correctional system was a significant factor.

There is no coordinated training program for the new workers and the council has neither the mandate nor the staff resources to meet this need.

3. Assistance to the Dalles Project for a Community Residential Complex for Ex-Inmates and Their Families

In 1980-81 the native male admissions to the Kenora Jail constituted 26 per cent of all native male admissions for the whole province. Native female admissions to this jail amounted to 47 per cent of all native female admissions to the entire correctional system. These proportions represented no change over those of the previous fiscal year.

In the council's 1978 survey of native inmates, it was discovered that 36 per cent (N=79) of the sample had been remanded or sentenced to jail by courts in the District of Kenora. Of those who identified their home as a reserve, 34 per cent (N=41) cited reserves in the Kenora area.

In 1980, the council endorsed in principle a proposal for a halfway community

groups, who are not employees of a member organization, are paid an honorarium. The costs of attending meetings for all delegates and committee members are reimbursed according to travel expense claim rules approved by the council.

The council has a permanent full-time staff of three, two of whom have always been of native ancestry. Over the past four and one-half years, 12 native individuals have been employed on a short-term basis to work on special projects.

residence at the Dalles Reserve near Kenora which was presented by the chief of the Dalles Reserve and a former chairman of the Indian-Metis Brotherhood at Stony Mountain Penitentiary. During the 1980-81 fiscal year, the council organized three meetings in Kenora to foster the development of the Dalles Project and to pursue funding for it. The overall purpose of the project was to reduce the rate of recidivism among native offenders from the Kenora area. Although the aims, objectives, admission criteria, and structure of the proposed residence were refined,¹⁰ little progress was achieved on some fundamental prerequisites to its establishment such as a road into the reserve, houses for the community, hydro services, and commitments to provide capital and operating funds. Also, the support of the Dalles Band for the project waned and the credibility of its leadership became an issue. For these reasons, the council was unfortunately compelled to withdraw from the project.

4. Community Service Order Projects

In 1977-78, the council, in cooperation with the Ministry of Correctional Services, initiated projects in Kenora and London to provide suitable placements for individuals on probation with a condition that they perform a specific number of hours of community service. It was hoped that community service orders would be used by the courts as an alternative to imprison-

ment for native offenders. Arrangements were made for participants in the program to complete their community service requirements on their home reserve or with an organization in town.

These community service order projects are autonomous from the council, although the council continues to give support and assistance on request. The project in London is administered by N'Amerind Friendship Centre. During the past three and one-half years, it has received only 30 native community service order referrals from the London courts. Fortunately, the Ministry of Correctional Services supported and encouraged the London project and it has expanded to include supervision of native probation and parole cases and the preparation of pre-sentence reports. The community corrections worker at N'Amerind Friendship Centre supervises an average of 35 native probation and parole cases per month.

The project in Kenora is operated by Ne-Chee Friendship Centre and handles both native and non-native community service order placements. This project has also been under-utilized by the courts. The worker at Ne-Chee Friendship Centre coordinates community service placements for an average of 30 individuals each month located in Kenora and a number of outlying reserves. Over a period of approximately 18 months, 30 people completed 1,657 hours of community service. The Kenora project has been bedevilled by a number of chronic problems: staff turnover, funding delays, breakdowns in communication, and low workload resulting in 'anxious cost-benefit analyses'. The very survival of the Kenora project is a minor miracle.

In the 1978 survey of native inmates, by the council and the Ministry of Correctional Services, 94 per cent of the sample indicated a willingness to perform community services as an alternative form of sentencing. In the 1979-80 study, 78 per cent of the native inmates reported that they would prefer to do community work instead of going to jail. The expansion of alternative programs, such as community

service orders, would therefore not likely be hampered by a shortage of willing native volunteers.

4. Initiation of a Fine Options Program

An unproclaimed section of Ontario's new **Provincial Offences Act** makes provision for the establishment of a program to permit the payment of fines by means of work earned through community service of a suitable nature. For 18 months the council has been working cooperatively with the Ministries of Attorney General and Correctional Services to devise appropriate regulations and procedures for the initiation of a fine options program and to initiate a pilot project in the Kenora area.

There are several reasons for the council's involvement in the fine options. First of all, in the 1979-80 survey of native offenders it was found that 19 per cent (N=10) of the total sample had been given the alternative of paying a fine instead of serving time. Sixty-three per cent (N=60) of those who did have this alternative confessed that they were serving the time in jail because they did not have the funds to pay the fine. Moreover, of these inmates who were serving time because they were financially unable to pay a fine, 77 per cent (N=46) reported that they would have preferred to do community service.

Secondly, section 65 of the new **Provincial Offences Act** requires that terms of imprisonment for defaulting on payment of fines must be served **consecutively** (unless otherwise ordered by the court) rather than concurrently as in the past. In other words, if an offender has accumulated three \$50 fines and defaults on payment, he is liable to five days imprisonment on each offence totalling 15 days incarceration. Previously, the individual was able to discharge all three fines with one concurrent term of imprisonment of only five days. Council became concerned that the effect of this new provision might be that native fine defaulters would be spending more time in jails throughout the province unless specific representations

were made in court on their behalf or fine option programs were made available to them.

Thirdly, Kenora is an area of the province which has caused a particular disquiet because of the substantial number of individuals who have been defaulting on payment of fines. For example, during the period of just seven months from July, 1980 to January, 1981, 499 fine defaulters under the **Provincial Offences Act** were jailed for a total of 1,085 offences, 98 per cent of them for liquor violations. Also, an analysis of the court statistics for the first quarter of 1981, published by the Ministry of the Attorney General, revealed that the District of Kenora had the highest per capita ratio of failures to respond on charges for **Liquor Control Act/Liquor License Act** offences of any judicial district in the province.¹¹

For very good reasons, therefore, the council has made the development of a fine options demonstration project in Kenora a high priority. It has organized three meetings in Kenora involving representatives of government, police and native organizations to discuss reports on:

- numbers and types of fine defaulters in the Kenora area
- a survey of fine defaulters incarcerated in the Kenora Jail
- a visit to Saskatchewan's fine options program
- the preparation of a fine option regulation

In June of 1981, the council published and widely distributed a **Preliminary Report on a Survey of Fine Defaulters Incarcerated in the Kenora District Jail for Provincial Offences**.¹² The purpose of this survey was to gather information which would assist in the planning of a possible fine options program in the Kenora area and the design of a possible fine options program in the Kenora area and the design of a fine options regulation under the **Provincial Offences Act** which would be relevant to

the needs and characteristics of native people in Ontario. The report describes the 60 fine defaulters' current and previous experience with the criminal justice system, their socio-economic background, their suitability for community service placements, and their problems with delivery of legal notices.

Finally, the council has met on four occasions with representatives of the Ministries of the Attorney General and Correctional Services to discuss the implications of the **Provincial Offences Act**, a fine options regulation appropriate to native needs, and the development of native fine options projects.

In spite of many meetings and hours of discussions, there has been little headway in this matter. As of April, 1982 there was still no fine options regulation. The council has adopted the position that no fine options project should be established in Kenora (where 98 per cent of the incarcerated fine defaulters are of native ancestry) without meaningful native participation. The council considers that any contract developed for the operation of such a project should be tendered publicly so that native individuals and organizations in the area may submit proposals. The Ministry of Correctional Service has agreed to this in principle. The future of a native-operated fine options project is nevertheless uncertain.

The foregoing five examples represent a sample of the activities engaged in by the council to make the criminal justice system more responsive to the special needs of native people and to eventually diminish excessive native incarceration. Limitations of space do not permit the writer to describe such other projects as :

- Review of the Ontario Native Court-worker Program;
- Development of native awareness training programs for non-native justice personnel;
- Submission to the Mewett Review on the office and function of justices of

the peace in Ontario entitled - **The Native Justice of the Peace: An Under-Developed Natural Resource for the Criminal Justice System**;

- Publication of a discussion paper on justice-related services to native children and families;
- Participation with the Ministry of Correctional Services in the establishment and evaluation of the position of Native Programs Development Coordinator with the Ministry of Correctional Services;
- Publication of an **Inquiry Into Revenue Gained by the Province of Ontario and the Government of Canada from the Sale of Alcohol to Native People. April 1, 1978 - March 31, 1979**;
- Translation of the **Glossary of Correctional Terms** into one Ojibway dialect for the Ministry of Correctional Services;
- Preparation of a **Proposal for a Preliminary Research Project on a Comparative Analysis of Judicial Proceedings Concerning Native and Non-Native Persons Appearing Before Courts in Ontario**; and
- Joint publication with the Ministry of Solicitor General Canada on the **Progress Report on Government Action Taken Since the 1975 Federal-Provincial Conference on Native Peoples and the Criminal Justice System**.

A Prescription for Progress

Is the Ontario Native Council on Justice, which has now been in existence for approximately six years, having any real impact on the disproportionate representation of native people among those ensnared by the criminal justice system? Admittedly, this is a difficult question to answer. The analysis of the admission and release statistics from the Ministry of Correctional Services for the 1980-81

fiscal year cited at the beginning of this article, however, leads one to the disappointing conclusion that, in spite of the careful research, well-documented policy submissions, and innovative demonstration projects undertaken by the council, the crisis of native conflict with the law is not improving. It may also not be getting any worse. To use the language of air traffic controllers, we seem to be in a 'holding pattern'. The band-aid, piece-meal approach -- which is characterized by the Native Council on Justice itself; a few native legal clinics; a few native liaison projects; a couple of community service order projects; a native worker program; some native justices of the peace, probation and parole officers, and aftercare officers; and a few special constable program -- may be serving to keep the lid on a boiling cauldron of complicated and inter-related social economic, political, and cultural problems.

What must be done to break the stalemate in Ontario and to begin to achieve genuine progress? The writer believes that there will not be a significant decline in the disproportionate numbers of native people embroiled in the criminal justice system unless the council's efforts are supplemented by these important steps:

1. Police, lawyers, judges, correctional authorities, policy advisors, and politicians must finally accept the fact that for native people the present system is an abject failure. This is a basic prerequisite for change. It is not sufficient to become defensive and to plead: "We realize that the current system is not perfect but we are trying our best". Goodwill is not the issue. Nor is it enough to humbly mutter mea culpa and to engage in periodic, symbolic self-flagellation followed by 'business as usual'. There must be a genuine, cold-blooded recognition that the criminal justice structures are inadequate, if not irrelevant, to the needs of native citizens. This recognition can be the starting point for real change.
2. From this acceptance of reality must flow a willingness to gamble on native people themselves. The non-natives who now control the criminal justice industry and who make their living from annually processing a disproportionate amount of native raw material -- judges, crown attorneys, lawyers, probation and parole officers, and correctional officials -- must be prepared to shed their paternalism, synchronize their efforts, and enter into a merger with local, regional and provincial native organizations. Power will have to be shared. 'Risk capital' will be required for the development of innovative, native designed and operated programs. Admittedly, there will be failures; there will be waste; there will be breakdowns in communication; there will be differing standards of accountability; and preliminary cost-benefit analyses will not always be promising. With time and patience, however, there will be a positive response from native people and a return on the investment. The alternative to this difficult, mine-strewn course of action is to spend tax dollars foolishly year after year to perpetuate a system for native people which neither deters nor rehabilitates and to be confronted by increasingly strident and militant demands from native political organizations for take-over -- not merger.
3. Native organizations and governments must recognize and accept that there is no 'quick fix' for the complex socio-economic problems which bedevil native communities, families and individuals and which precipitate and disproportionate involvement of native people in the criminal justice system. There are no easy answers. Wildly throwing dollars at the problems will not make them go away. There will be no instant gratification for new initiatives like the native inmate liaison projects or a fine options program. The dearth of immediate results, however, should not be used as a 'cop-out', a justification for doing nothing. Nor should it be allowed to cause sudden

and erratic shifts of policy and restless changes in priorities as a result of an agitated, meandering quest in the 'perfect' solution. It is essential that a path of reform of the criminal justice system be charted by autonomous native organizations and responsive governments in collaboration as equals (each needs the other), and that priorities be thoughtfully established and then tenaciously pursued together. Priorities must not be determined by native political whims or government funding bandwagons.

4. Native political leaders must give a higher priority to reforming the criminal justice system in order to make it more responsive to the needs of native citizens. The attention that native political organizations give to justice-related issues -- such as the development of alternatives to imprisonment, the expanded use of native justices of the peace and the improvement of court-related services to native children and families -- is frequently squeezed out by the more glamorous contemporary political battles concerning The Constitution, land claims and **Indian Act** revisions. The Constitution, land claims, and **Indian Act** revision are important. For native people they have long-range implications. They hold the promise of a structural change. Pending a satisfactory resolution of these 'global' issues, however, it must not be forgotten that substantial numbers of native men and women are being uselessly jailed for alcohol-related minor offences in a revolving door way of life. And the kids are waiting in the wings. . . .
5. Justice-related issues would probably become a higher priority for the native political organizations if they had justice staff. It is crucial that government provide funding for human resources to work on justice matters for the native political organizations. In 1980 the council submitted a joint proposal for justice coordinators on behalf of six of its member organiz-

ations to both the provincial and federal governments. Seven out of the eight member organizations on the council currently have no staff working in the field of justice and must either utilize volunteers or borrow staff from administration, housing, health, social services, economic development or their executives for work on justice concerns. It was intended that the proposed justice coordinators would endeavor to meet the pressing need of these organizations for either policy development, legislation review and legal rights research or program and project development at the band and community level. After 15 months of correspondence and discussion, no funding for these vital positions had been secured. The council is now seeking funds for two demonstration projects for justice development workers with two of its member organizations. While demonstration projects are insufficient to meet the need, there seems to be no alternative at this time. The justice development workers will concentrate on the assessment of needs and priorities and program and project development at the band and community level.

6. The Government of Ontario must stop resting on its laurels from funding the only Native Council on Justice in the country and must begin to seriously **act** on the excellent research and policy submissions produced by the council. Native participants on the council are becoming restless and are justifiably asking: What is the point of doing meticulous research on issues involving native inmates, native fine defaulters or native justices of the peace if nothing changes? Is the Government of Ontario sincerely endeavoring to follow up on all the commitments it made to native people at the 1975 Federal-Provincial Conference on Native Peoples and the Criminal Justice System? Current outstanding issues between the Ontario Government and the council include:

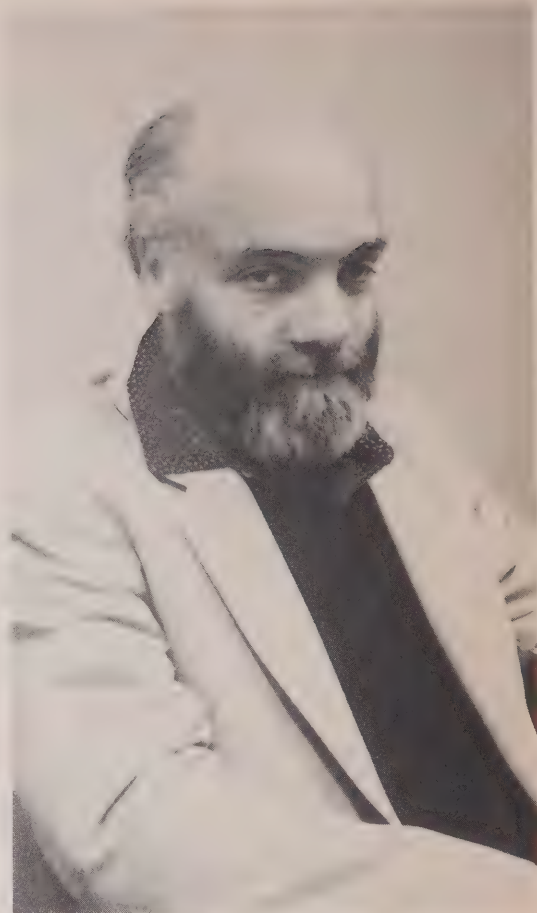
- Funding for justice development workers
- Development of a fine options program
- Expansion of the native justice of the peace program

Development of native awareness training programs for police and correctional officers

Sharing of profits from the sale of alcohol to native people

governments of Ontario and Alberta must summon the will, the commitment, and the public support to launch a massive and coordinated effort to correct the deeply rooted imbalance in the dominant white society towards native peoples and must bring about cooperation with native peoples in a meaningful redistribution of wealth, economic opportunity, and political power from those who have it to those who have not so that all citizens can vigorously and systematically tackle their own problems. This kind of structural rather than palliative change is ultimately the only real native 'crime prevention program'. In other words, there will be a change in the ratio of natives to non-natives inside the prison when there is a fundamental change in their relationship outside.

Until the preceding steps -- especially the first one -- are seriously undertaken, there will be no significant impact on the disproportionate conflict between native people and the criminal justice system. In the meantime, however, the council -- together with other native programs and projects -- will do what it can.



For the past five years, Mr. Jolly has been directly employed by native organizations as the coordinator of the Ontario Native Council on Justice. From 1968-1974, he worked as a probation officer with a predominantly native caseload in the communities of Cochrane, Smooth Rock Falls, Kapuskasing, Iroquois Falls, Moosonee, and Moose Factory. He holds a B.A. from McMaster University and an M.S.W. from the University of Toronto.

In 1979, Mr. Jolly was elected by the native community of Toronto to a three year term on the Board of Directors of the Native Canadian Centre of Toronto. In 1978, he was elected president of the Canadian Association in Support of the Native Peoples. He is currently a director of the Native Economic Development Corporation of Toronto.

FOOTNOTES

1. There are several possible reasons for this lack of data:
 - It is administratively more difficult to collect such information at the arrest and trial stages than at the point of incarceration.
 - It is considered repugnant to ask questions about race when concerned with the administration of justice.
 - The Province of Ontario may not wish to be embarrassed by the results.
 - Native organizations in Ontario have had ambivalent feelings about the recording of information based on race by police and courts and have therefore not formally sought the collection of this data.
2. The ministry's Planning and Research Branch, and in particular, its manager of research services, Mr. A.C. Birkenmeyer, are to be commended for their initiative in this area.
3. The native population in Ontario was estimated by the Department of Secretary of State to be 162,385. According to the 1976 census, the total population in Ontario was 8,364,465. Thus, the status and non-status Indian and Metis population is approximately two per cent of the total population.
4. It should be noted that one person may appear in one or more admissions during the year. Also, the ministry's figures on native admissions are probably low. Many individuals of native ancestry who do not 'look' native may not be asked about their native origin by the jail authorities -- especially in the large urban centres.
5. There is one exception to this gloomy picture. The total number of native individuals admitted to provincial institutions in the 1980-81 fiscal year showed only a four per cent increase over that of the previous fiscal year -- decidedly less than the 13 per cent increase in the number of non-native individuals admitted during the 1980-81 fiscal year.
6. A.C. Birkenmeyer and S. Jolly, **The Native Inmate in Ontario** Toronto: Ontario Native Council on Justice and Ontario Ministry of Correctional Services, 1981
7. Apparently, a Native Justice Council in British Columbia did not survive following the Edmonton Conference. The Federal Advisory Committee on Native Peoples and the Criminal Justice System and its successor, the Canadian Aboriginal Justice Council, ceased to function in 1978.

8. M. Irvine, **The Native Inmate in Ontario. A Preliminary Survey** Toronto: Ontario Native Council on Justice and Ontario Ministry of Correctional Services, 1978.
 9. A.C. Birkenmeyer and S. Jolly, **The Native Inmate in Ontario**, Ministry of Correctional Services, 1981.
 10. S. Jolly and L. Kabestra, **Revised Proposal for a Community Residential Complex for Ex-Offenders and Their Families at the Dalles Reserve**, Toronto; Ontario Native Council on Justice, 1981.
- The District of Kenora had the second highest actual number of failures to respond on charges for **Liquor Control Act/Liquor License Act** offences of any judicial district in the province. Its number of failures to respond were exceeded only by those of Metropolitan Toronto. Taking relative population into consideration, however, there was one failure to respond for every 62 persons in the District of Kenora as compared to one for every 575 individuals in Metropolitan Toronto.
- Jolly, **Preliminary Report on a Survey of Fine Defaulters Incarcerated in the Kenora District Jail for Provincial Offences**, Toronto; Ontario Native Council on Justice, 1981.



Access to Ideas

by Thomas J.B. Anderson*

**Decarceration and the Economy of Penal Reform,
Chan, Janet B.L. and Ericson, Richard V.,
University of Toronto, Centre of Criminology, 1981**

Reform of the penal system seems to face the same problem as does the credit-card addict who decides to tender cash for all future purchases. If too much of the erstwhile addict's resources are committed to paying off debts, there is no free money available for future purchases. Consequently there is temptation to continue to use the credit card, hoping to postpone the inevitable day of financial reckoning, perhaps to be saved by some manner of miraculous intervention.

Such reflections were induced by a reading of the fourteenth research report published by the Centre of Criminology at the University of Toronto. This brief report -- it is less than 100 pages long -- looked at the phenomenon of the decarceration movement and ". . . suggests the limitations of an interpretation that is restricted to influences of the economic structure". The reference is to Scull, and it came as a surprise to be reminded it was only in 1977 that he ". . . added the word 'decarceration' to the criminological vocabulary." So much use has been made of the concept recently it appeared as though the term has been around for at least the last decade. If the term was new, the concept wasn't, and Scull's main thesis was that the movement towards the control of crime by community-based alternatives, rather than by institutionalization, had been brought about by a "growing fiscal crisis".

This trend not only impinged on criminal justice systems, it was also paralleled in the programs provided for mental patients. Chan and Ericson suggest, however, that Scull's interpretation was inadequate, at least as far as the criminal justice system is concerned. The data used in support of their position is mainly Canadian with some reference to U.S. statistics; it probably could be matched in the statistics of other jurisdictions.

What then is their contention? Essentially, if decarceration was intended to reduce the costs of social control, it has failed to do so. Decarceration, defined to cover diversion, prison alternatives, community corrections, etc., . . . has not turned out be a cheaper form of punishment". In the first place, decarceration has not led to a reduction in prison populations and secondly, there has been an increase in the number of persons dealt with by non-institutional sanctions. As Chan and Ericson put it, "In other words, decarceration is not cheaper, since 'alternatives' to prisons are not real alternatives, but add-ons to the system". It should also be noted that other sectors in the crime-control business have required increasing expenditures, especially in the area of policing.

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If decarceration has not solved the financial problems posed by institutionalization of offenders, and if it is adding to the fiscal crisis, not relieving it, why then has the concept had the success it so obviously has. Chan and Ericson explain this success in terms of the state's need to preserve order and maintain its legitimacy, and as a result of bureaucratic attempts to control and if possible, to expand their share of the resources allocated. Decarceration allows for an increasing amount of control of clients within the system, as well as extending the number of clients who will be brought into the system. A quote from the authors' abstract seems appropriate in this context, "Reforms appear contradictory because they reflect these contradictions among the needs that are characteristic of the control business under welfare state capitalism".

The data provided by Chan and Ericson suggests their thesis was not without merit, but this reviewer must confess to some philosophical reservations about their approach. The conceptual framework used has obviously owed much to the theories of Michael Foucault and David Rothman; the first line in chapter one is a reference to their work, though interestingly enough Rothman's **The Discovery of the Asylum** (1971) is not listed in the bibliography - and much of the discussion seems to reflect the tenets of radical criminology. In a brief review it is impossible to develop a thorough analysis of the problem, but a useful approach is suggested by Chan & Ericson themselves when they say: "If deviance and punishment are inevitable and functional, it is hard to imagine a state in which people would not be anxious to support the forces of 'law-and-order'". Quite so, and this reviewer's principal objection is to the assumption that the state is the instrument for the interests of a ruling elite. Though it can be this, and no doubt evidence could be produced to support this contention in some instances, nevertheless there is a considerable body of evidence to suggest that the state can represent the interests of all of its citizens, that it derives its legitimacy only by doing so, and our political and civil institutions are at their best when these considerations are paramount.

This is not to deny the fact that ever-increasing costs are imposing a burden on society. Perhaps like our addict, we will have to burn our 'plastic cards' and do without some of the 'luxuries' we have been used to having. We may even find that life improves somewhat when we concentrate our resources on the necessities.

"The ultimate objective of the reform movement must be
to change the criminal justice system itself."

Jane Roberts Chapman, **Economic Realities and
the Female Offender**, Lexington Books, 1980

Queries regarding article submissions
should be directed to:

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Honourable Nicholas G. Leluk
Minister
Archie Campbell, QC
Deputy Minister

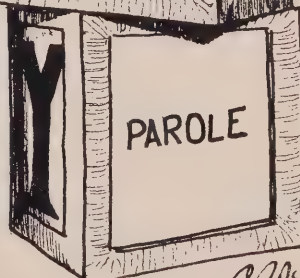
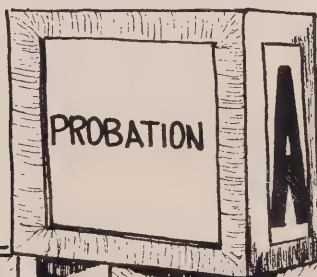
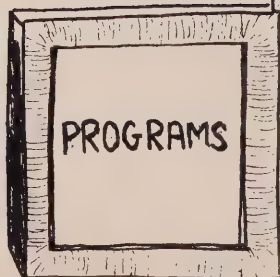
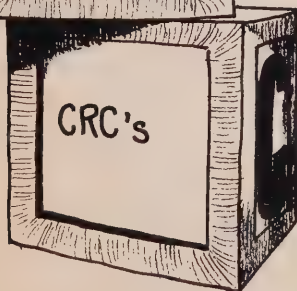
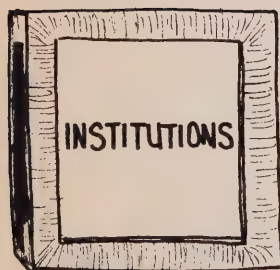
correctional OPTIONS

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correctional OPTIONS represents the efforts of those involved in the field of corrections, working with people in the community to develop new approaches in the management of offenders.

Whereas there is a tendency to maintain the status quo, the history of correctional institutions is replete with reform efforts from the abolition of physical punishment, the more home-like design of institutions, to the enlargement of the role of correctional officers. All of these efforts are tied to the bricks and mortar of what already exists.

What is presented here, however, is the foundation, the building blocks, of a new institutional approach. The challenge of community corrections is to develop programs and approaches in which the community can have a vested interest and confidence, such that correctional institutions are used for those who **need** to be there because they present a threat to public safety or to themselves if at liberty.

Our cover illustration symbolizes the thoughtful construction of a community corrections philosophy that underlies the diverse activities which are occurring throughout Ontario. Our hope is that by sharing our ideas and experience, we will stimulate and enrich the move towards communities taking more responsibility and assuming new roles.

We encourage you to reprint/photocopy and distribute any articles you particularly like. We would welcome your comments and critiques about the journal, which is our continuing effort to present some of the correctional options which are possible and practical.

EDITORIAL BOARD

A LETTER FROM THE PUBLISHER

Change is a well known companion to all of us in the business of corrections and readers will note that change has come to **correctional OPTIONS**.

Our cover, which in previous issues posed the questions of How?, Why? and What?, has been changed to portray some possible answers; and inside this issue are a few articles from persons not directly involved with corrections in Ontario. We welcome their participation.

This involvement also convinces us that the objectives set in the first two issues are being met and that we have opened up discussions of correctional options to a wider audience, an audience that may provide even more creative and innovative "options".

We dedicate this issue to volunteers, the key building block that holds correctional programs together. Volunteers also provide the one buffer against change, for, since the time of John Howard, John Augustus and Elizabeth Fry through to the present day, the words "advise, assist and befriend" have been dominant in their work. Let us hope they never change.

Don Page
Acting Director
Community Programs Support Services

EDITOR'S NOTE:

It has not been uncommon to find volunteers as the centre of discussion for the last few years. They abound in the field of corrections, and it has been decided to devote this issue to a special look at them.

The articles dealing with volunteers have raised questions, given answers, put some criticism and a lot of praise on these members of the public who give so much of their time and talent. However, the discussions are not closed. Further views or comments on any of the ideas and opinions expressed in this issue are encouraged to be submitted as letters to the editor.

It is my hope that such commentary from the readers of **correctional OPTIONS** will become a usual practice.

Diane Karnay, Editor

*All letters to the editor should be addressed to **correctional OPTIONS**, Community Programs Support Services Branch, Ministry of Correctional Services, 2001 Eglinton Avenue East, Scarborough, Ontario, Canada, M1L 4P1.*

correctional OPTIONS offers insights into many of the community options which exist today. An attempt has been made to examine the various concerns, projections and resolutions to current problems that have been voiced by those who are involved in the criminal justice field. The opinions expressed in the articles are those of the individual authors and do not necessarily represent the policy of the Ontario Ministry of Correctional Services.

Without the assistance of the following people, **correctional OPTIONS** would still be a vision.

Ministry of Correctional Services

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Correctional Volunteers

The Honorable Nicholas G. Leluk
Minister of Correctional Services

One of the goals of the ministry of correctional services is to strengthen the working partnership which has developed between the professional correctional worker and the community volunteer. This partnership has at its disposal, all the talents and resources that both the province and the community can provide. Neither professionals, with their expert knowledge, nor volunteers, with their feelings for the community, can achieve on their own, what they can accomplish together as a team.

In addition, the partnership between the criminal justice system and the community leads to increased community awareness of the correctional process and a greater understanding of its problems. Understanding and co-operation go a long way in assisting an offender become a contributing member of the community.

As minister of correctional services, I know how much can be accomplished by dedicated volunteers. The work of my ministry involves a wide spectrum of community groups and volunteers who work in programs to rehabilitate offenders.

By rehabilitation, I mean programs that help the offender recognize responsibility for the offence committed; assist the offender to reintegrate into the community; and help the offender find the necessary skills and tools to make a contribution to that society.

When an offender needs help, there are many citizens who would be willing to offer assistance if they were aware of the offender's need. However, the majority of society is still unaware that offenders need help.

Those involved in corrections must communicate with the community and make them aware not only of correctional activities but also of its intentions. Goals should be explained and also the reasons why they are important. The future of correctional programs is firmly tied to our ability to increase our level of communications. Talk to neighbors, friends and colleagues. This informal communication can be the most effective of all. Listen to your community, analyse its needs and then adapt to those requirements.

Because of the concerted efforts by this ministry, voluntarism has become an important part of the corrections system in Ontario, on both sides of the institutions' walls. Volunteers are able to offer time and personal commitment; volunteers have the time to reach even the most difficult offender. A former vice president of the United States, Hubert Humphrey said, "The impersonal hand of government can never replace the helping hand of a neighbor". Volunteers are proof of that sentiment.

In total, there are approximately 4,200 volunteers working with the ministry of correctional services. Of these, 2,500 volunteers go into institutions on a regular basis to work with inmates. As well, there are more than 1,600 volunteers who work in probation services and assist 8,000 clients every year.

I believe there is a no more rewarding field of work to become involved in than corrections. It involves the education of offenders in the way society works. Offenders learn how to take advantage of what society has to offer; how to become responsible, self-reliant; and how to make positive contributions to the community.

Fear and prejudice will not help the offender, but understanding and co-operation with the correctional process will go a long way in assisting an offender in his attempt to become a contributing member of the community.

ANNOUNCEMENT

"IMPACT 1984"

The Ministry of Correctional Services, Ontario is sponsoring a seminar in co-operation with the Ministry of Community and Social Services, Ontario and the Ministry of the Solicitor General, Canada which will be of particular interest to the readers of this Journal.

"Impact 84" event will take place in Toronto between June 17th and 19th 1984. It will be the third of a series sponsored by the ministry, namely "Alternatives in Corrections" (1976) and "Alternatives to Imprisonment" (1980).

The successful format of these earlier events will be continued and a maximum of 100 delegates will be providing leadership for participation in a multiple workshop format which will be repeated on each of the three days. A maximum of 100 delegates may be attended by any delegate and these workshops are designed to encourage individual participation in small groups.

The overall objective will be "To encourage greater citizen involvement and participation in Criminal Justice and related Community Programmes".

The seminar is designed to allow examination of issues involved in the development of greater and more effective volunteer participation in criminal justice and organized in three main tracks. These are:

1. The impact of changing social and economic conditions upon volunteerism and the voluntary organizations in Criminal Justice.
2. The principles of volunteer management and current issues in effective service delivery.
3. The provision of skill training for volunteers and staff.

The seminars will have significance for private citizens, voluntary organizations and government departments.

Detailed publicity will become available in November and full conference prospectus will follow in January of 1984. These may be obtained by writing to:

Bob Fox
Conference Convenor
Suite 214
75 Lemonwood Drive
Islington, Ontario
Canada. M9A 4L3

correctional OPTIONS

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A PROGRESSION TOWARDS ACCEPTANCE: THE STORY OF INSTITUTIONAL VOLUNTEERS

by Robert Bunn

The Way it Was - 1972

Volunteers? Here? In this jail? You must be kidding! The inmates would eat them alive! We have no room! We don't want nosey do-gooders in here. They'd be a threat to security -- bringing in all kinds of contraband; we couldn't trust them. Staff routines can't be interrupted; we're too busy just accommodating family visits for two hours a day. Anyway, Alcoholics Anonymous comes in if they're needed.

A decade ago, many institutional superintendents and correctional staff members were still hiding behind the walls of their institutions -- suspicious of outsiders, perhaps afraid of the community, and some, possibly a little reluctant to be personally identified as a "Jail Guard". Certainly, there were some correctional centres with chaplaincy services and

religious volunteers, and the Young Men's Society and Elizabeth Day Society were actively involved in a variety of missions.

The Intervening Year

soft-sell, but persistent approach. Finally, the refinements: the part-time institutional volunteer coordinator, printed guidelines for volunteers, administrative practices, reporting procedures, recognition programs, and an international conference for volunteers in corrections.

That this development was successful is attested to by the record, which shows a roster of 2,250 regular registered volunteers involved in correctional institutions at the end of 1981: These are people who have been recruited, screened as to past criminal record, have an identification card on file at the entrance to the institution, and have been assigned a volunteer activity to perform. During 1981, volunteers contributed more than 42 man years of service, more than 88,000 hours, inside our institutions.

Working with inmates and staff, volunteers provide leadership to self-help, educational and recreation programs; they bring spiritual comfort and friendship; and many bring very special skills -- from teaching basic literacy to individual counselling --



to those who are incarcerated.

Our volunteers bear a heavier responsibility than may ordinarily be expected of those who volunteer their service. They must be carefully trained in the security requirements of the correctional facility, and in how to avoid being manipulated by the offender. They must be regular and punctual in meeting their commitment, because inmates have higher expectations of volunteers than they do of staff. They must be non-judgemental, be discerning listeners, and use discretion when offering advice.

Volunteers come to the ministry as members of local agencies involved in the criminal justice system, as well as through direct recruitment to fill an identified need within the institution. In many instances, local volunteer bureaus help us find interested people with special skills: literacy volunteers to teach inmates who cannot read or write; volunteer counsellors to help inmates with family problems, or educational or discharge planning; volunteer escorts to take inmates to job interviews; and volunteers to coordinate self-help programs.

Volunteers in Life Skills programs teach inmates about job-finding, money management, and how to utilize the many services and resources available in the community; these programs can teach inmates self-discipline and how to cope with authority -- the authority of a parent, an employer, a landlord. These are basic survival skills which can keep them functioning on the street in an acceptable manner.

The Institutional Volunteer Coordinator

It was apparent from the beginning that larger institutions required someone to develop programs and to recruit, screen, and train volunteers to carry out those programs. As institution managers gradually accepted the volunteer program concept, guidance and assistance were provided in the selection of a staff member to assume this added responsibility. A deputy or assistant superintendent or social worker usually got the nod, and the



services of the Volunteer Programs Branch were made available to that person.

Periodic one and two-day seminars, many conducted by experts in voluntarism, brought in from the United States, were held for volunteer coordinators, institutional managers, and probation and parole supervisors. These were primarily aimed at development of effective volunteer management techniques. Program needs and potential had to be identified at the local institutional level, and each institution presented a different challenge as to its physical space and layout, inmate needs, staff attitudes, and resources available from the surrounding community.

That approach really didn't work!

The institutional manager wanted it to work because of the subtle pressures from the top. The designated staff members wanted to do it, but it was an added responsibility to an already defined job. There just wasn't time enough to plan adequately, involve line staff, recruit

volunteers, and supervise the program. It could only be a token effort.

It was obvious that a different approach was required. It was decided that a volunteer coordinator should have no other responsibilities. This meant a new staff position would have to be created. It was proposed that it be a part-time position - three days per week. Since many four hour per week contracts are available and provide flexibility, it was found to be fairly easy to sell the idea.

It was suggested that they might suggest the idea to the Ministry. However, Robert Fox, Minister of Correctional Services, chose the idea for the Toronto "Don" Jail. The Ministry, with its 1955 addition of a new wing, had a large count of inmates. It was reasoned that "if it can be done there, it can be done elsewhere." Bill Taylor was appointed as the first coordinator.

The concept, however, was not new. It came from the Ministry of Correctional Services. It had a demonstrated success in the John Howard Society of Toronto.

A protracted period of establishing credibility and trust with correctional staff management, and the gradual introduction of new programs, community volunteer input at the jail took off. It was long before more than 1,000 hours of volunteer work were being recorded in institution attendance registers.

The wedge had proved effective and a new era was upon us. Efforts were made to build on this success, with the result that today there are 13 institutions with part-time volunteer coordinators on staff working three days per week. Those 13 institutions are currently providing care for 61 per cent (3,728) of our inmate population.

In reflection, nothing is more important from the Ontario experience, to pass on to other jurisdictions, than the concept of the part-time volunteer coordinator, recruited from the community, who is not otherwise employed within the institution.

Another 15 per cent of Ontario's inmate population is in institutions where skilled professional services staff members have been designated to coordinate volunteer programs as a part of their job responsibility. While their commitment is evident in most instances from the results obtained, they are the first to admit that much more could be accomplished through a part-time volunteer coordinator.

It seems fair to say that voluntarism in Ontario corrections has come of age: the Institutional Staff Training Branch of the Ministry includes a session on volunteer programs (usually presented by an institutional volunteer coordinator) in its basic training course for all new correctional officers; most of our present institutional managers were, at least, convinced of the Ministry's commitment at the International Volunteers in Corrections Conference sponsored by the Ministry in 1976; and, the volunteer programs branch sales force was particularly effective in both the eastern and western regions of the province from 1977 to 1979.

Volunteer Programs in Small Institutions

Sixty per cent of Ontario's institutions accommodate 24 per cent of our current inmate population. These are mostly small jails, where institutional managers and staff work together to facilitate involvement of volunteers from the community. Our information retrieval system from smaller institutions is limited and we believe that a significant amount of voluntary service goes unrecorded.

It is estimated that the 24 per cent of the total inmate population, which is housed in these smaller facilities, receives from 12 to 15 per cent of the total volunteer input to the system. It may be less sophisticated, but it does represent a significant service to both inmates and staff, and undoubtedly, adds to the quality of life within the institution.

There are, of course, some institutional managers who remain to be convinced. There is no way to direct a manager to use volunteers and then to expect a positive outcome: Results will be negative;

volunteers will suffer; and, the manager will say "I told you so."

Program Administration

The ministry's Manual of Standards and Procedures guides managers through the philosophy of the program, how to identify and respond to needs, and the guidelines for recruiting, screening, training and placement of volunteers.

Some administrative practices which have been developed over the years include:

1. **A Guide for Institutional Volunteers:** A 20 page manual including a description of the system which brings people into our care, a description of some of the common characteristics of the offender, a guideline for correctional volunteer service, and, a glossary of corrections terminology.
2. **Volunteer Appointment Application Form:** An application form which also authorizes us to enquire as to past criminal history. A companion form entitled Volunteer Application Flow Resume is designed as an interview guide for the institutional staff person. If the volunteer is to be privy to confidential information regarding an inmate, a Volunteer Oath of Confidentiality form is executed and the oath administered by the appropriate official.
3. **Volunteer Identification Cards:** To facilitate entry to the institution, a five by eight inch identification card

is maintained in a file at the reception area of the institution. The card contains a photo of the volunteer, together with enough information to assure the officer at the entrance as to the purpose of the volunteer's presence.

4. **Volunteers/Community Attendance Register:** A sign-in register designed to record all types of volunteer visits to the institution. These serve as the source of ministry statistics regarding volunteer services.
5. **Out-of-Pocket Expenses:** A modest fund is available to reimburse out-of-pocket expense to volunteers who find their involvement a financial burden; this covers only gasoline and babysitting expenses.
6. **Volunteer Recognition:** A "Community Service Award" certificate, signed by the Minister of Correctional Services and appropriately framed, is presented to volunteers with long distinguished service, upon application by the institution.

Many of the above practices are also used by volunteers in the community.

By way of closing, I would suggest that the price tag of our volunteer program is more than covered by reduced tension and vandalism within our institutions, the increased appreciation of the public for the work of the ministry, and the enhanced self-image of our dedicated correctional staff as a result of citizen involvement in institutional programs.

Bob Bunn has been with the Ministry of Correctional Services since 1974. He was assistant to the co-ordinator volunteer programs branch; regional co-ordinator of volunteer programs (central); and in 1979 he became co-ordinator, institutional volunteer programs. Mr. Bunn is presently a member of the Ontario Board of Parole. Prior to coming to the ministry he served in various capacities with the Canadian Mental Health Association and from 1968-1974, he was its executive director.

Caretakers to Caregivers

... the hospital lobby one cold, nasty day watching one of
... being buffeted by wind and drenched by rain as she made
... from the parking lot. As she entered the lobby, soaked from
... called out to her, "Now, there's a dedicated volunteer!"
...," she responded. "If I were being paid for this, I'd call in
ok!"

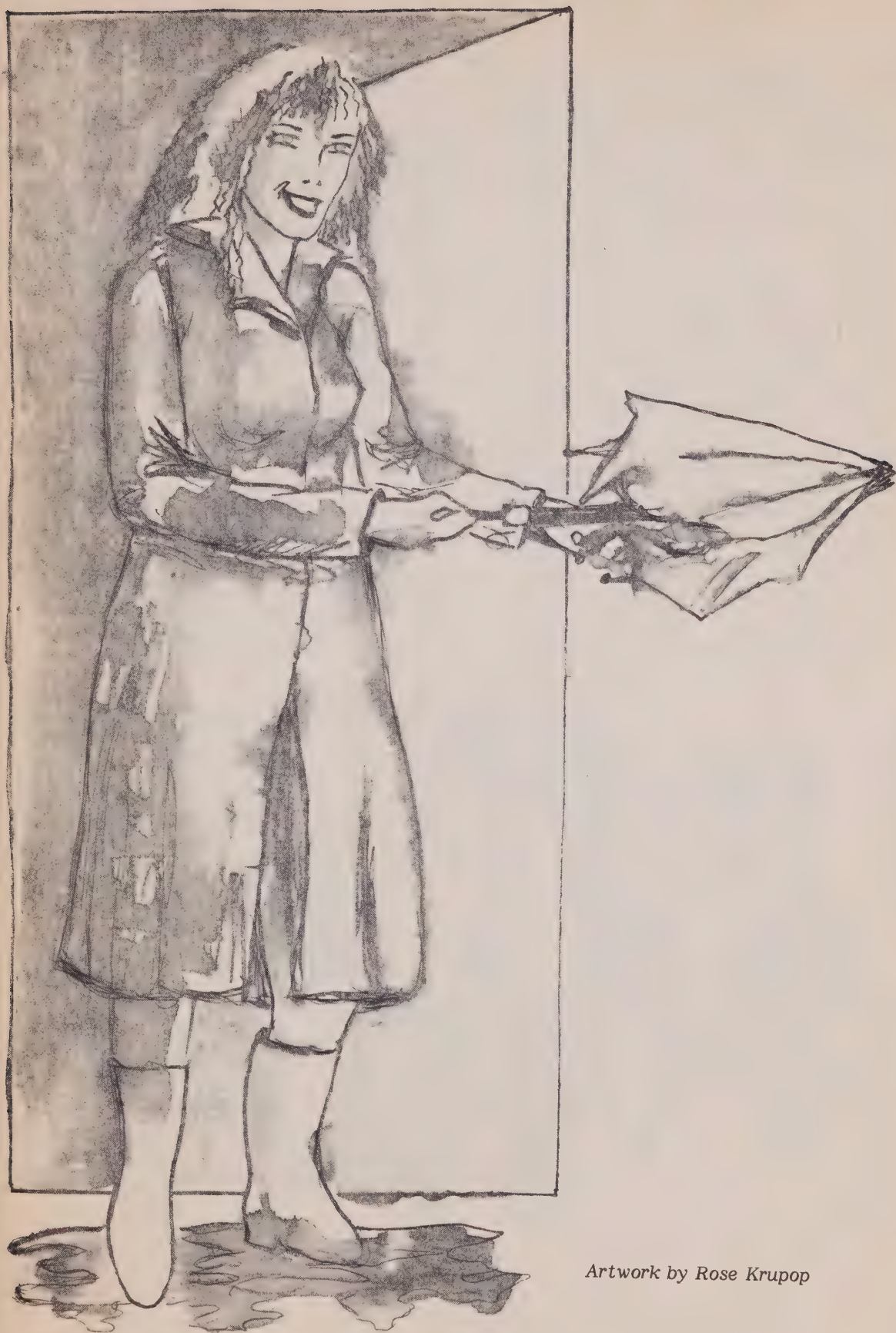
by Donald Cooley

The involvement of 'private citizens' in correctional work is a relatively new operational option. Its development, as any innovation, has been marked with confusion, failure, controversy, and staff resistance. In spite of this, the benefits have, for the most part, outweighed the problems.

Volunteers have been with us a very long time. In North America, the Quakers were instrumental in founding the first penitentiaries in the late 1700s and the first probation officer was a volunteer - John Augustus in 1841. From about 1920 through to 1960, there was an increased emphasis on professional full-time staff. This led to a withdrawal of criminal justice volunteers, which only ended in the United States in the late 1950s (approximately 1960 in Canada).

Volunteer programs in Ontario corrections have acquired a momentum of their own and now form the basis of other initiatives. The number of volunteers in community programs is at least triple the number of paid probation officers² and there is every indication that the numbers will continue to grow. Perhaps the time is ripe to take a look at the past decades of citizen involvement to see where we have come from and where volunteer programs are going.

There has been a major resurgence in volunteer programs throughout North America. Examples of personalities such as Judge Keith Leenhouts in Michigan, and Judge Horace Holmes in Colorado, have rekindled the spark. From the early days of Leenhout's Project Misdemeanant in the



Artwork by Rose Krupop

Detroit suburb of Royal Oak, Michigan, the growth has been continuous and significant. Isolated programs have developed links through volunteer associations, national information centres and government sponsored initiatives. There has also been an increasing body of research, study, and publication on the subject of voluntarism.

So it would seem that more people than ever are volunteering and they represent all segments of the community . . . but are required to direct the activities of a large and diverse group are much more daunting than those needed a few years ago, when volunteering was still the uninvolved process of "helping out".³

Volunteering is an international phenomenon that directly appeal to the desire to use their skills in the service of the positive growth of the community. The danger with rapid growth is that established patterns of volunteering are still perpetuating; we are not questioning the original purpose of volunteering as a way to reduce the workload of the community and to reflect upon

The original volunteer training manual in Ontario asked;

Why volunteers in probation? Probation is a means by which a person who has committed an offence is given a chance to rehabilitate himself in the community. Many offenders need help in their community. Thus, it is of great importance that the community take an active role in helping such persons resolve their problems.

The manual goes on to state the expectation that the volunteer form a close relationship with the probationer.

*Your primary role is that of a helper and a friend. In that capacity, you are responsible for developing a positive relationship with the probationer and helping him with his problem . . . It is essential that you keep in regular contact with the probationer. As a volunteer, one of your greatest assets is that you have more time than a regular probation officer to spend with the probationer. We recommend that you see your probationer once a week if this is possible.*⁴



This line of thinking parallels the original concept of the probation volunteer that was developed in Royal Oak in the 1960s. In the period 1965 to 1969, Project Misdemeanant had 500 volunteers compared to 29 professionals and these volunteers provided direct service to probationers on an average of 12 hours a month.⁵ A similar volunteer role was conceptualized in Judge Holmes' jurisdiction:

One-to-One Assignment to Probationers: ...Usually this is in his life situation outside the court location and extends to include his family and friends, but sometimes, too, it occurs while he is relatively isolated in detention . . . There are many variations . . . but most have in common; individual, attention; support and friendship; acting as a good adult model; someone who will listen; helping the probationer develop social, school, and work skills to improve his opportunities, and at the same time acting as a front runner to help open up opportunities and resources to him (e.g. help find someone who will give him a job).⁶

It is evident that professional probation officers have always had a genuine concern about the quality of service and have employed volunteers to amplify the time spent with each client. Volunteers were asked to fight the battle 'in the trenches' instead of back at the headquarters for field operations.

So what has happened to our volunteer programs? Two significant developments in the 70s have affected that initial vision of the volunteer's role; first, expanding population and shrinking budgets resulted in dramatic increases in case load size and, second, philosophically, there has been a shift in emphasis towards increased enforcement. Probation officers have responded to the challenge. They not only manage their time in order to cope with the increase of new clients, but they have brought more volunteers into the office where they could see more clients in a specified time, usually in the evening.

'Minimum supervision' was born.

Statistically, the result has been impressive. Volunteers supervise many more clients than before, but the trade-off has been a dramatic decrease in the time spent with each client and there is much less involvement with the probationer in the community where rehabilitation is presumed to occur.

It is important to remember that while the needs of the staff in recent years have changed the needs of probationers have not. There are still clients who need daily attention and support in their efforts to find a job. There are still first offenders who are 'easily influenced' and who may be swayed away from the delinquent peer group by a consistent intervention of a personal advocate with more traditional social values to share. The idea of providing, once again, this kind of quality service in these hard economic times is not as elusive as one might think. There are the resources, the program structure, and, I believe, the staff support to get the job done. What is holding it back?

Field supervision seems to be in a state of decline. There are at least four discernable reasons for this.

First, because volunteers must be carefully selected for 'field duty' there is more work for the volunteer manager. Also, because volunteers are handling much smaller caseloads (perhaps only one or two) the likelihood of continuous recruitment to meet the need increases. Second, the cost involved in a commitment to supervision makes it on paper, a statistically unattractive venture. In tight economic times the numbers of clients served by volunteers is a significant measure of program success and budget allocation - it is quantity versus quality. Third, the nature of the work involved is 'high-risk'. Careful screening, training, matching, and supervising can reduce the likelihood of any difficult situations but never eradicate them entirely. The fourth reason is the changing image of the correctional volunteer. Staff are likely to view volunteers as private citizens who provide a workload offset in the office for a caseload of probationers with 'minimal' needs.⁷ However, this attitude is

dangerous because it is insular and tends to limit programming, the kinds of roles we develop for volunteers, the length and scope of training provided initially and on an on-going basis, and the degree of supervision volunteers feel is necessary.

The ministry views volunteers in a larger context.

Citizen volunteers add a new dimension to the services provided. Since volunteers are in the community, their skills are practically unlimited. Each new volunteer offers a different background of personal experience, talents, knowledge, concern and above all, a genuine desire to help.

There is a difference between involving volunteers (paid and unpaid) in the community and simply bringing the volunteer into the confines of a probation office. The volunteer is a source of learning and experience which can be used in lieu of the probation officer. If paid staff are too busy to do much of their time, we must have back-up staff to enable unpaid staff to provide services.

The image of volunteers largely determines the kinds of roles that are expected for them and the expectations placed on them. By perceiving them as filling only caretaking roles, we do a great disservice to both the volunteer and the client who is in need of help. Volunteers are a diversified group of private citizens. They do not conform to any singular profile but their sole common denominator is their care and concern for the work around them. As volunteers, they perceive themselves as caregivers.

The implications of this redefinition are two-fold: it means that changes will occur not just in the field but also in local probation offices and it means that supervision given by volunteers must not be deemed less important than that given by a full-time staff. The term 'minimum supervision' is unfortunate because of its diminutive tone. Although the probationers' needs may be less pronounced, the

supervision is not any less important and the volunteer can convey an element of interest in caring that a paid officer might have difficulty mustering at the end of a long reporting day. Volunteers provide not just a workload offset but an improved level of attention and service to the client.

Innovative ways of tapping the office-oriented volunteers' potential must be explored. Volunteer coordinators should enquire about the volunteers' background and special interests and try to match them with the appropriate cases. They should also ensure that the volunteers' cases become increasingly more challenging over time. Some volunteers may be selected to supervise others and all volunteers should be encouraged to become involved in group activities. Senior volunteers should be encouraged to help train new volunteers and volunteers should be able to 'graduate' to intensive supervision of more difficult and demanding probationers. Many more suggestions may result from brainstorming sessions in your local office.

The local community represents an incredible untapped resource of talent that can help in the service of our clients more effectively - but we need the proper tools for exploration and discovery. Further, we must be careful not to be exploitive but to return in kind that which has been withdrawn. One means of recognizing the volunteers' care and concern is by providing special training in conferences and seminars. This not only enhances individual skills but also strengthens the volunteer/staff partnership as members of a professional team with a common goal. The dollar cost of such caregiving by staff is significant and needs to be reflected in volunteer budgets.

The role of the volunteer has evolved, in North America, from that of caretaker to caregiver. There is no better example of this than with hospital volunteers who do many day-to-day chores which free nurses for other duties. The time they spend with patients is not just an offset for staff time but is an added element of caring that is often missing from the bedside manner of most over-worked medical professionals.⁹

Those of us involved in the criminal justice system are recruiting private citizens who are just as dedicated. It is up to us to

explore their potential to the fullest for the growth and diversification of probation services across the province.

Footnotes

1. Brookshire, Barbara C., Reprinted from **Readers Digest**, in AVA Update, Vol. XX, No. 5, May, 1981.
2. Ministry of Correctional Services, **Report of the Minister**, (1981), p.15.
3. Wilson, Marlene, **The Effective Management of Volunteer Programs**, (Johnson Publishing Co., 1976), p.20.
4. Ministry of Correctional Services, **Volunteer Manual, Adult Probation and Parole**, (1974), pp.1-2.
5. "Research Proves Volunteers Effective in a Court Probation Program", unpublished document, VIP - NCCD, (200 Washington Square Plaza, Royal Oak, Michigan, 1969).
6. Barker, Dr. G.H. and Matson, R., "A Volunteer Probation Officer Manual", in **Volunteer Programs in Courts**, collected papers on productive programs, Office of Juvenile Delinquency and Youth Development, U.S. Dept. of H.E.W., (1969), Appendix J., p.103.
7. See Scheier, Ivan, **People Approach; New Strategies for Citizen Volunteer Involvement**, N.I.C.O.V., (Boulder, Colorado, 1977), Chapter II: Need Overlap Analysis in the Helping Process.
8. Ministry of Correctional Services, **Volunteer Manual**, (1974), p.1-3.
9. An observation made by Harriet Naylor, author and national volunteer consultant, at the National Conference on Volunteerism, Philadelphia, P.A., October 16, 1981.



Don Cooley graduated from the University

of Toronto in 1974 with a Masters Degree in Criminology. His undergraduate degree was in psychology. He has been with the Ministry of Correctional Services since 1973, working since 1974 as a probation and parole officer, Toronto. Mr. Cooley was the volunteer coordinator in a Toronto probation and parole office for five years. He is currently an acting area manager, probation and parole, Toronto, and he is helping to build a regional volunteer association.



Photos courtesy of Stanley Krupop

THE FUTURE OF WORK

by Roy Le Herissier

The current recession has indicated to most people that something fundamental is happening in our economy. We seem to be at the beginning of a second industrial revolution which is likely to be faster paced than the first. Topics such as the importance of work in our society have to be re-examined. This article deals with the consequences of the economic and industrial changes which are taking place, and attempts to draw together some of the trends in the work force and speculates as to how they will affect probation clients.

Work occupies a prominent status in this society. To take it away, is to interfere with a person's dignity. "We are our job," is an often quoted phrase taken to mean that our identity flows from our work. Adding to this view is the belief that by working hard we can, like Horatio Alger, achieve success, and that as a corollary, the only impediment to success is

ourselves. These values have considerably reinforced the attitude that without work we are nothing, or at least, very little. Also, they have made the prophets of the post-industrial or leisure society seem somewhat hollow in their predictions of a society enjoying the unbeatable combination of sufficient wealth and leisure.

Let us consider the broad economic picture. World industrial patterns are changing as traditional manufacturing industries shift to the Third World. This means Canada's natural resources will not necessarily be the path to economic prosperity that they have been. There will have to be changes in our educational and training systems to move to the apparent base of future prosperity - namely, high technology. Service industries (such as catering and leisure) will continue to be major and expanding areas of employment. The requirement in these industries will, as

now, be largely for unskilled workers. Thus, it appears the labor force of the future will consist of a more highly educated and skilled group at the top and a large group of unskilled workers, a "lumpen proletariat", at the bottom.

...optimal... the people... will be... technology or... with... skilled... with a...

...agreement... of its... that a... from... techniques for... variable... pursued... America... Japanese... of under-... form of... for... include shortening the... vacations and... such as work-...

...which... produce... reasonable... all, but not full... example, Volvo of... the same number of cars in

a recently automated plant with 18 people, as were produced earlier by 1,000 people. An Austrian study has shown that full automation could double national wealth in 1990, as compared to 1976. However, to keep unemployment to the accepted norm (in Austria) of three per cent, would mean cutting the work week from 40 to 35.3 hours. It is highly unlikely, given the structure of Canada's economy and manpower planning system, that we could contemplate the smooth transition which is assumed in the Austrian study.

Unemployment will probably remain at high levels for a long time. To find jobs, people will have to move into highly skilled work, or into unskilled areas, as traditional manufacturing and natural resources industries move or become more fully automated. Job-creation programmes may become a semi-permanent feature and concentrate on meeting the kind of social needs found in community service orders. Employment possibilities for many probation clients will likely lie in the growth of the services sector. In addition, probationers will need more education in the area of leisure.

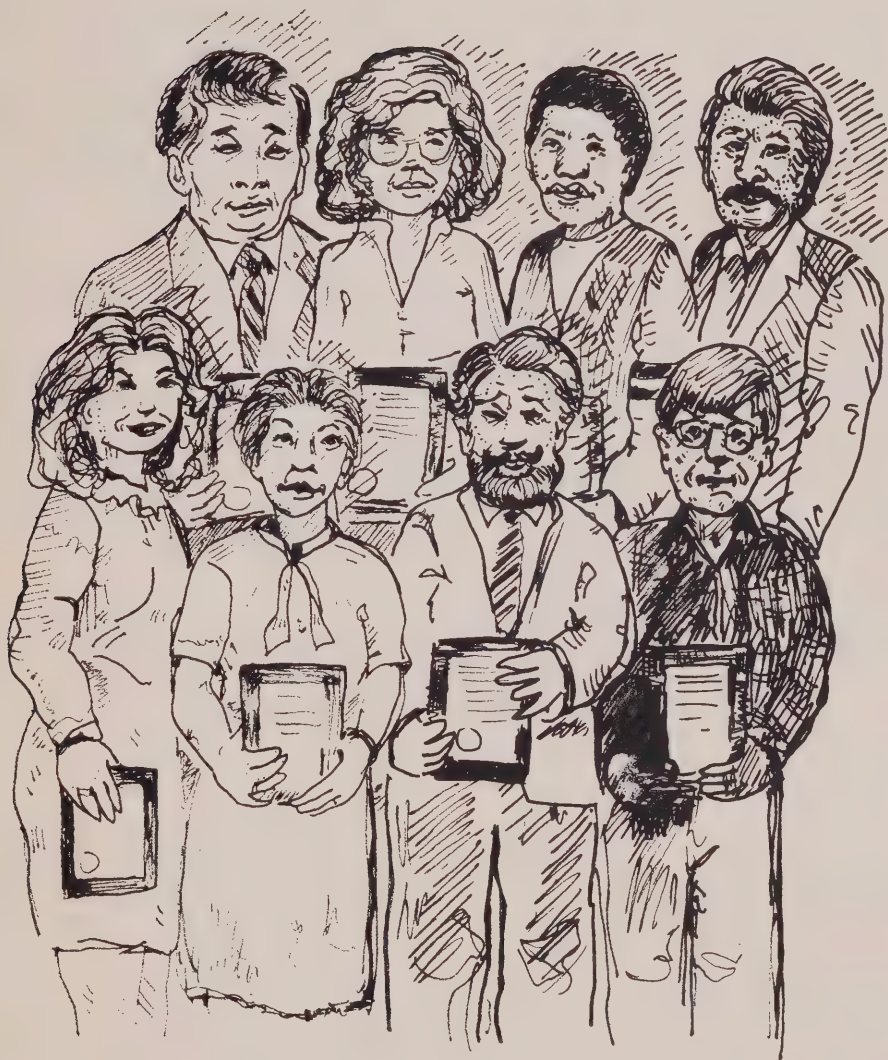
There are fundamental changes occurring in our economy which, in turn, will have major impacts upon the future of work. Given that probation deals with a group who are already experiencing difficulties in the labour market, new ways in which to handle their employment will have to be explored, and as a society, we will have to review some of our cardinal assumptions about work and leisure.



Roy Le Herissier is currently the co-ordinator of human resources planning and development with the Ontario Ministry of

Correctional Services. He was educated in England where he received a B.A. in political studies from the University of Leeds and a Ph.D. in politics and government from the University of Kent. He was a manager in the English Prison Service and a teacher in the Department of Social Administration at the University of Ulster. He came to Canada and joined the Ministry of Correctional Services in 1974 as a regional co-ordinator of training and development in the staff training branch. Mr. Le Herissier is married with two children, and he enjoys travel and photography.

Volunteers in Institutions



Artwork by Denis Andre

by Mary Satterfield

Institutional volunteers are a mirror of the community. They come from varied backgrounds: professional, highly skilled or unskilled, employed, unemployed, students, and the retired. They include bakers, carpenters, mechanics, fishermen, foremen, homemakers, and also doctors, lawyers, social workers, teachers, psychologists, and librarians. They also include correctional staff who devote off-duty time.

Their profile has changed during the past 10 years from people with a predominantly religious orientation and spare time to people who are looking for an opportunity to learn new skills, improve their abilities, or simply to help. They have one characteristic in common; the capacity to give of their talents in a consistent, responsible manner.

Every possible skill, talent, and service is available in the volunteer community. By "volunteer" the ministry acknowledges individuals and community groups who give of their time and ability without cost to the offender or the ministry. Their availability on behalf of the men and women in correctional institutions is limited only by imagination and the ability to find and engage the needed volunteer.

The volunteer programs operating in Ontario institutions are astonishing in their variety. Programs range from traditional chaplaincy services and Alcoholics Anonymous groups through library, educational and life skills programs to such specialized services as hygiene counselling, nutrition, barber service, assistance to the mentally handicapped, effective writing and pre-employment groups, and beyond. They also include art, crafts, theatre, public speaking, and photography programs. If a service or activity exists in the community, it is likely to be replicated in one or more of the 47 jails, detention centres, and correctional centres in the province.

Every institution has the "basic two" volunteer programs: chaplaincy services and Alcoholics Anonymous. To indicate the dedication of these two groups, chaplains and Alcoholics Anonymous have visited Ontario correctional institutions at least since the turn of the century and likely long before. For example, in the old Mercer Reformatory for Women, a dress-like institution which struck terror in the hearts of many women by its forbidding appearance, chaplains held regular religious services in the 1890s. Today they provide religious services at the modern Vanier Centre for Women which has replaced it. Although the larger institutions have staff chaplains, they are assisted by a host of lay volunteers of every major denomination. In the small institutions, local congregations and their parishioners attend to the spiritual needs of inmates by visiting, providing spiritual and personal counselling, and by holding religious services.

Alcoholics Anonymous first appeared in Ontario institutions in 1949 at the Guelph Correctional Centre and has been encouraging sobriety continuously since then. The Guelph A.A. "Serenity Seekers" recently celebrated their 33rd anniversary in the institution with a full day workshop and meeting. Today, every correctional institution under the ministry's supervision has an A.A. program. Many of the A.A. volunteers are former inmates who found sobriety through A.A. and now work to help others. The programs extend beyond the institution and local sponsors keep in touch with former inmates, introducing them to the nearest A.A. group.

That is only the beginning - volunteers provide many necessary services in institutions, which are too small to justify a staff person or where the need is on an irregular basis. In larger institutions that have specialized staff to perform these functions, volunteers act as assistants who provide individual attention, tutoring, and encouragement. The programs provided through volunteer efforts encompass library service, life skills, and recreation. The basic literacy programs now being developed for the ministry are a good example of volunteers' far work. Institutional teaching staff initiate the programs but also work with volunteers who assist individual students. Smaller institutions, without teachers, rely on volunteer teachers from the community. Whenever possible, inmates who are eligible for temporary absence are encouraged to pursue their education in the community. Similarly, volunteers assist institutional library staff members or provide library services to institutions, as do recreational volunteers of every kind. Current recreational programs include: floor and ice hockey, curling, baseball, badminton, table tennis, exercise and dancersize classes, as well as bridge, euchre, backgammon and bingo tournaments.

Group programs, which focus on the skills and knowledge needed to live successfully in the

community are well received, particularly in medium and minimum security institutions. Many groups have waiting lists. Life skills and pre-employment groups emphasize re-integration of the inmate by reinforcing his personal responsibility to himself and to the community. Other groups focus on particular life situations such as parenting, health care, and human sexuality. The latter two are led by public health nurses, who provide a health care link between the inmate and the community after discharge. Once a contact has been established in the institution, inmates feel less reluctant to approach the nurses in the community about health care services for themselves and their families. Self-help groups for impaired drivers and drug abusers create awareness of the consequences of drunk driving and drug use, and at the same time provide support and encouragement for positive behavior. Other groups emphasize decision-making skills and confrontation of self-destructive actions and life styles.

The art, drama, music, and craft programs have fostered the talents of many inmates, sometimes introducing options or experiences they have not had the opportunity to encounter before. Many inmates have sold art work and won awards in the annual Prison Arts competition and exhibit, which receives entries from across Canada.

Individual counselling by volunteers, with its humanizing touch, has a special place in institutional volunteer programs, especially in large jails and those correctional centres with a high proportion of recidivists. In jails and detention centres, the anxiety level is generally high, because inmates have not yet been sentenced, are awaiting transfer, or they are approaching release with its attendant fear of failure. Among recidivists, many of whom have had previous group involvement, the acknowledgment of failure is difficult to face in a group or, their behavior may not be appropriate in a group program. However they do respond to individual counselling and there is often a positive behavior change. One remarkable lady visits a small jail several times a week to talk to any inmate who needs a listening ear. But, she also advises, confronts, scolds, and encourages. Whenever an inmate is seriously troubled, the superintendent calls on her. Many inmates across the province speak fondly of her; some keep in touch.

Of course, there are problems. The most difficult is staff resistance. Some correctional staff regard volunteer programs as an unnecessary frill rather than an aid to their job and programs have inevitably been undermined. Staff resistance means potential problems for programs. In a similar vein, if volunteers come into the institution with a superior attitude, correctional staff are unlikely to give them a warm reception.

The answer lies partially in developing a staff training program which recognizes the essential role of volunteer programs. Concurrently, thorough orientation and volunteer training promotes a positive attitude towards the difficult task of the officer. Most importantly, staff and volunteers need an opportunity to meet and work together towards a common goal. The process of learning to collaborate is slow since both staff and volunteer attitudes are resistant to change. Experience has shown that cooperation between them is an attainable goal.

Lack of space is a common problem in institutions. The new detention centres have adequate space, as do most of the correctional centres but in many of the older jails, there is nowhere to hold a group program except in the corridor adjacent to the cells. Even individual programs of counselling and educational assistance are severely limited. One jail, housing more than four hundred inmates, has no group space at all, another housing more than one hundred has one small room which is used by legal counsel, classification officer, temporary-absence coordinator, the parole board, police officers, and volunteers. Many small jails were built long before programs for inmates were contemplated. Nevertheless, where there is a commitment to programs, a way can be found. Many of these jails have active volunteer involvement. One uses the admission and discharge area, which is not in constant use, others use outside community facilities such as churches, group homes, and

Y.M.C.A.'s for groups of inmates in a program. Another possible approach is to operate programs right in the corridor area. A further option is to have the volunteer outside the cell bars working with an inmate on the inside. In all cases, careful scheduling of programs and cooperation of correctional staff become essential. A little ingenuity goes a long way.



Security is a constant concern. One of the volunteer coordinators calls it the "what if" syndrome; meaning what if there is a breach of security by a volunteer or physical harm is done to him or her. Unfortunately, breaches of security are possible and minor breaches do occur. The possibility can be lessened by proper screening, orientation, supervision of volunteers, and immediate attention to breaches of security. Physical harm to a volunteer or a hostage-taking is a more serious concern, although the Ontario system has never experienced either harm to, or hostage-taking of, a volunteer. Volunteers must be informed of the risk and they also need to be informed of the superintendent's authority to suspend all programs and to refuse to admit volunteers during periods of unrest or severe tension - and be prepared to comply. Careful volunteer and staff training is still the best precaution.

In this period of overcrowded institutions and fiscal restraints, little money is available for volunteer programs. Yet, community participation has a cost to the ministry, albeit a modest one. The salaries for one full-time institutional volunteer coordinator for the ministry and fifteen part-time coordinators in the larger institutions are the biggest item. Institutions must also pay for correctional officers to supervise volunteer programs. The larger institutions have greater flexibility to deploy staff from one area to another but, smaller institutions have very few officers on duty during the evening hours when most volunteer programs take place, with the result that additional staff must be called in at considerable cost. Out-of-pocket transportation costs for volunteers are a modest but considerable cost. Similarly, supplies and equipment are necessary and predictable. These costs, if funds are available, or surplus or unused materials may be contributed by community organizations.

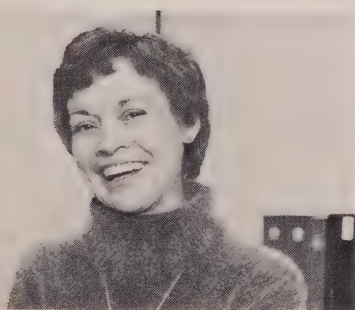
What are the components of a successful volunteer program? The Ontario objective for all

correctional programs is to reinforce the responsibility of all participants in the correctional process: inmates, staff, and the community. With this goal in mind, the means becomes more clear and a five-part cycle has emerged. Initially, the need for a particular program is identified. For example, an inmate may need assistance with a correspondence course, or a number of inmates with poor employment records require pre-employment counselling. Appropriate volunteers are recruited or offer their services at the urging of staff or existing volunteers. They are screened, all references are checked, and an orientation and training of both volunteers, and staff must occur before the program begins. Once started, every program requires supervision for content and for security purposes. A method of evaluating programs is also desirable. Short-term or periodic programs ought not to be overlooked where need and availability of volunteers fluctuates. This cycle indicates the need for a designated correctional employee who is responsible for all programs in the institution. The person may be a volunteer coordinator, the superintendent, shift supervisor, or chaplain. Where there is such a person, programs develop, flourish, or are discontinued according to need. Otherwise, programs are inconsistent, are subject to undermining by staff, and die on the vine.

Volunteer programs produce unmistakable benefits in the institution. Primarily, they provide opportunities for inmates to learn the skills and behavior which allow them to assume responsibility for themselves. They also permit staff and the community to participate in the process. In purely economic terms, volunteers contributed more than 41 man years of time and effort with a value approaching three quarters of million dollars in 1981.

Reducing the tension in institutions is a major internal benefit derived from volunteer programs. When inmates are absorbed in useful activity, they do not harass staff or one another. This was demonstrated in an institution which initiated recreation programs, assisted by volunteers, after being without them. There had been constant fights and arguments among inmates before the program began, but as soon as regular recreation was provided the fighting stopped.

The effect upon the community's attitude is by far the most important benefit. When volunteers come into an institution, the community becomes more receptive to inmates who work and volunteer in the community during their sentence. In short, mutual responsibility is fostered.



Mary Satterfield was coordinator for institutional volunteer programs and has visited all 47 institutions in the province. She is presently practicing law. Mrs. Satterfield joined the Ontario Ministry of Correctional Services in 1970 as a social worker in the Whitby and Toronto (Don) Jails. Previously she had worked as a

social worker in Mental Health, Family Service, and Community Development programs. In joining the ministry she held positions as chief social worker at the Vanier Centre for Women, coordinator of the correctional worker program at Sheridan College, Oakville (on secondment) and staff development officer. Mrs. Satterfield recently obtained her law degree from Osgoode Hall Law School and was called to the Ontario Bar in 1982. She also holds a Bachelors degree in psychology and sociology from the University of British Columbia and both Bachelor and Masters' degrees in social work from the University of Ottawa. She is married and has four grown children scattered from Vancouver to London, England. She is an avid (but not very expert) outdoor sports enthusiast and a classical music buff.

Native Indian Probation and Parole

by J. Robert Wyber

Robert W. Service discovered the fascination of the Yukon and portrayed its images in poetry so we too could experience the rugged, harsh realities of remote wilderness and the people who inhabit it. Northern Ontario is not altogether unlike Service's Yukon; the common elements are few settlements in a vast expanse of land, isolation, and a people who live close to, and are often reliant on, nature.

The Cree and Ojibway of northern Ontario live in the towns, in settlements, or on reserves across the Canadian Shield. This is a rugged land of rocks, lakes, and trees. Many communities are 50 to 100 miles apart, some are joined by a ribbon of road, while others have only an air route or a skidoo trail linking them with one another.

Traditionally, the people in the remote

areas relied on hunting, trapping and fishing for their livelihood, but in recent years with the decline in wildlife, they developed a greater reliance on government agencies for their subsistence. With few or no employment opportunities, there was a cultural weakening. Parental responsibilities were eroded with the removal of children to residential schools; the gulf between generations increased with the parents speaking their native tongue and the children being educated in English. Also, few administrative skills were required by the Band leadership because health, education, housing, and welfare were all handled by government agencies. Pride and self-confidence reached a low ebb.

The problems these people now face, as noted in an earlier article in **correctional OPTIONS**¹, are numerous. A dispropor-

1. Nahmabin, Ralph, **The Native Offender**, correctional **OPTIONS**, Fall, 1981.

tionate number of them appear before the courts and in the correctional system. There is a high incidence of alcohol abuse, gas sniffing, and unemployment. Couple this with the frustration and adjustments faced as greater responsibility for their own affairs is assumed and the result is a frequent turnover of Band leaders and Band employees.

The changes in lifestyle over the past few years are great. Within the last six years dial telephones have replaced many of the old radio telephone systems; television, heretofore unavailable, is now beamed via satellite from the major North American cities into homes in most northern settlements; and air strips have been built on many reserves, thus providing year-round availability of supplies and services previously interrupted by spring break-up and fall freeze-up.

Administrative policies and practices have also undergone marked changes in the last two decades. With the expansion of non-reserve schooling, children, who previously were sent to residential schools, can now remain at home for their basic education. Economic and social development including housing, welfare, and alcohol programs, formerly handled by government departments, are now under the control of the Band. Native police constables are selected by and work under Band Councils but receive their training, support, and back-up through the Ontario Provincial Police.

Until the fall of 1974, probation was a rarely used disposition by the courts on those reserves which were accessible only by air. One officer using float and ski-equipped aircraft visited up to sixteen reserves, the most distant being 900 miles from Kenora. Other locations were soon added as probation became a sentencing option, and additional experienced officers were transferred to this developing service.

On his first visit to any community, the probation officer met with the chief and council to explain the function of probation and his role as a probation officer. Many of these meetings proved awkward for the officer who had to learn to communicate

through an interpreter. Many words do not translate easily from one language to another; one such word is probation. In one community the interpreter translated it thus: "Probation is a second chance to keep the rules. The rules are: see the guy who is talking every time he comes, don't break the law, don't fight, don't drink, and be nicer to other people".



Unfortunately, the person who did the talking wasn't always able to return to the communities as frequently as required to provide regular counselling to probationers. Therefore, follow-up discussions with Band Councils resulted in the hiring of resident part-time probation workers. It was their job to see probationers regularly; advise and support them in keeping the terms of their order; and send monthly client progress reports to the probation office. The probation officer did follow-up visits with those experiencing serious problems and retained the responsibility for enforcement.

Court is now held on the fly-in reserves only every two to three months. When it occurs, it is a major event and many turn out for the occasion to hear the charges read and dispositions imposed. Throughout the hearing, native police officers, probation workers, and a chief or his representative, may assist the court by providing a character assessment, or a verbal pre-sentence report about the

person before the court. Community interest carries over from the judicial system into the rehabilitation process. Sometimes it is merely small town curiosity to see if a new probationer will adhere to all the terms of the order. Often genuine support is offered to the person who is placed on probation, and pleasure is expressed at his being permitted to remain home with family and friends to work at mending his drinking or gas sniffing problems.

order contract probationer
other should spend in each community.
however, limiting factors are the total amount of time he has available and his travel budget.

Annual workshops are held for all contract workers to supplement visits by the officer. These meet some of the training needs, but more important, they provide a forum for all workers to share their common concerns of how to counsel difficult clients, and to discuss methods and programs that might meet the needs of clients who have chronic gas-sniffing or

alcohol problems.

Over the years the role of the probation worker has expanded. Where the numbers warrant, they have become full-time employees, responsible for all aspects of probation: from the supervision of clients and the placement and supervision of community service work, to the gathering of information for pre-sentence reports. Other changes have also occurred. In the major communities of Red Lake, Sioux Lookout, Kenora, Fort Frances, and Thunder Bay, the native friendship centres have contracted with the ministry to provide specialized services to the native people. Sioux Lookout provides an office and reporting centre for probationers. Red Lake has contracted to operate the community resource centre which houses 12 inmates; a similar centre operates in Thunder Bay for women. Fort Frances provides an alcohol-counselling service for probationers, and Kenora has a native inmate liaison contract, similar to that in Thunder Bay, which provides a worker to visit all native inmates, contact employers, family, and Band Councils on their behalf, and assist them in formulating release plans.

The many changes that have taken place, and continue to take place, have done much to build self-confidence and to promote community involvement. Community interest and involvement is at the heart of any worthwhile rehabilitative process. We, as a ministry, recognize this and are committed to work with Band Councils and native organizations in providing the best service possible to the native people.

(now Wilfred Laurier) and a B.D. from Presbyterian College, Montreal. He served pastorates in Alberta and Saskatchewan, and was a community development worker with Indian Affairs, in Geraldton, Ontario prior to entering probation services, Kenora, 1970. In the early '70s, Mr. Wyber travelled extensively by bush plane, introducing probation services to more than 15 remote Indian reserves and settlements throughout northern Ontario. He is now area manager.

Bob Wyber was raised in Saskatchewan. He has a B.A. from Waterloo Lutheran

A JOB TO LAST

WHAT FOLLOWS IS AN ACKNOWLEDGEMENT AND A TRIBUTE TO 'CHARLES', THE TYPE OF PERSON WHO LIKE SO MANY OTHERS HAS TAUGHT US ABOUT EFFECTIVE EMPLOYMENT PROGRAMS AND SHOWN US WE CANNOT AFFORD TO GET ALONG WITHOUT HIM.

by Maria V. Kelly

Along the stretch of highway, the countryside is dotted with colourful farms.

Further along, I see outskirts of town, with its cluster of industrial plazas in stark contrast to this pastoral scene. I am driving to a small rural community to interview the co-ordinator of an employment program. The town is like many others I have visited, and the co-ordinator is as vigorous, warm and intense as any I have met. In fact, Charles is a remarkable person and his participation in community affairs has made him a social celebrity.

Charles began his career as a teacher in a local high school where he discovered a particular skill lay in counselling students who found it difficult to cope with the pressures of a rigorous educational program. He saw that these same students encountered difficulties in adapting to the demands of employment. Because of his insight, Charles was able to introduce an employment development credit program to help students in their transition from school to employment. He had reached motivated students who had remained at school long enough to avoid dropping out entirely and dropped out into an uncompetitive labor market.

Since the majority of these drop-outs eventually became clients of the local Canada Employment Office, Charles suggested to the Canada Employment Commission that a program be offered to these young people through a cooperative venture with the local community college.

In this way a Youth Action Committee was established; the committee's purpose being to initiate program development and locate necessary funds.

Local agencies were asked to pool their manpower, resource and skills. Service clubs, the Chamber of Commerce provided accommodation and start-up capital. The agencies agreed on their respective shares of the total budget and the number of clients they anticipated serving through the program. Probation and parole were conducting an internal needs survey and foresaw more than 50 referrals in one year period. All the agencies signed a contract guaranteeing 30 per cent of the program's total budget cost among them.

The community committed itself to 25 per cent of the cost, and the final 45 per cent was made available through the Ontario Youth Secretariat.

The program was designed to serve people between the ages of 15 and 20 who had quit school and/or could not benefit from conventional employment services. It provided a full assessment of each candidate as well as individual counselling. A Basic Job Readiness Program, operated by the community college, was expanded to permit referrals from Charles' program. Service clubs assisted in locating lodgings for needy clients.

There were four major components in the program:

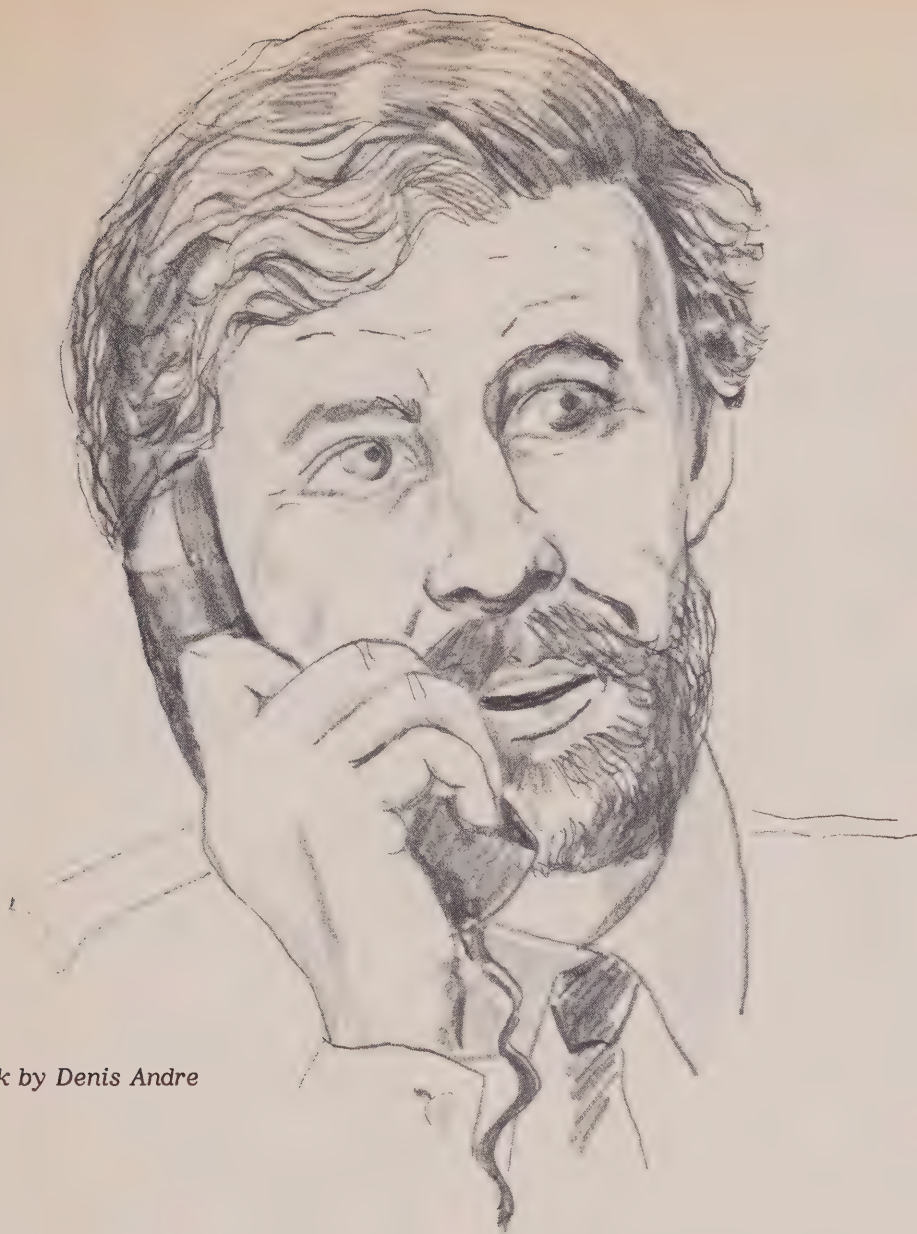
1. the assessment phase,
2. the pre-employment preparatory phase,
3. the placement phase,
4. the maintenance phase.

All these involved community participation under Charles' leadership.

In the assessment phase, client interviews were used to evaluate all referrals. A goal statement and an attainment schedule were developed for each client, and their roles and responsibilities were defined. As each client moved from one phase to the next, case conferences, attended by the client and all other current potential participants, were held for feedback and re-assessment.

The 10 day pre-employment program provided time for discussion about client apprehensions, misconceptions, and work attitudes. Through structured group discussions, exercises, and community speakers, they evaluated their own use of time, adjusted their expectations, prepared resumes, and rehearsed for job searches and interviews. Where job readiness was at a low level, the clients were referred to the 18 week Basic Job Readiness Program, sponsored by the Canada Employment and Immigration Commission.

Upon graduation from the second phase, clients were placed in employment settings with members of the Youth Action



Artwork by Denis Andre

Committee for an assessment of their work habits. The assessments detailed such things as attendance, promptness, ability to take instruction, and job performance. The volunteer employers were responsible for immediate feedback to the clients, and a written report to Charles at the end of the "work week". For some clients, this report was their only reference by an employer and became crucial in obtaining their first job.

Job placement was a difficult task. There

was fierce competition by all the unemployed in the community for the few jobs available. Graduates of Charles' program who had no marketable skills were encouraged to obtain further training. The Canada Manpower Industrial Training Program and the Ontario Career Action Program encouraged the hiring of these graduates by offering incentives to employers. Although long term employment could not be guaranteed, clients were given the chance to build up a work experience file.

Often clients had to settle for poorly paid, low-status jobs. To encourage them, a recreational program that included baseball and hockey was established. Charles also set up a team billiard tournament, sponsored by the Chamber of Commerce. Events were offered by the YMCA with the purpose of integrating clients into the community. A grant permitted the group to purchase sports equipment of their own and hire recreational counsellors when the program was in session.

One major reason for the success of the recreation program was the participants' good attitude. Many of the clients who had been in the program had quick learning abilities. They were hired, not just for their physical skills but for their ability to learn. The program was to guide clients in the appropriate use of leisure time and to develop their socialization skills.

Charles took me to the recreation room one afternoon. He showed me the facilities. "We have made contributions," he said, proudly indicating the furnishings around the spacious recreation area. The inviting aroma of coffee wafted up from the refreshment table near the entrance. "The environment our clients first encounter is important if we are going to serve people who have reservations about walking through that front door."

A volunteer came up to Charles, indicating that a client named Dennis was in the library rewriting his resume. "He is doing fine. You should let him know," she said to Charles. "Claude phoned and wants to see you immediately. He's upset. Claude's disappointment for this afternoon." The volunteer turned to me to explain. "Dennis must have been turned down at his last interview. He is so depressed."

Charles told me that being turned down on several job interviews is a common experience for clients in the pre-employment program. He said that clients deal with these setbacks, not as personal failures, but as economic realities or as employers' prerogatives in the selection

process. Even well-integrated job hunters had trouble handling continual rejection. If their lives had held a series of failures, it was important that each new experience bring a measure of personal success in order to keep the individual involved.

Charles went on to explain that Claude has seen a series of failures in his life, and he was the kind of client that had not previously been attracted to the program. The normal activities within the group such as skill assessment, resume preparation, and interview rehearsal are not enough for Claude. For special cases like his, additional activities and procedures were developed to deal directly with problems that arose.

In order to develop personal programs for problem clients, Charles has asked a local university to study current research about employment counselling, met with the consultant at the Canada Employment Office and attended a number of workshops on vocational counselling. He then prepared a report with a proposal for program development. If the approach that had been developed demonstrated significant impact on the group's employability, an attempt would be made to integrate it into the program next spring.

This study showed, that by leaving school without entering some other sphere for self-definition, kids, clients were denied a means of meeting such needs as a sense of belonging, self-esteem, and self-actualization. Those who had conventional work-oriented values experienced high levels of stress and frustration when they could not participate in the workforce. They were, however, motivated, and responded to planned programs for change.

Charles tried very hard not to generalize about his clients and their special needs, but he said certain common characteristics could be seen. The majority of clients in need of special services are under the age of 20, below grade 10 in education, and had sporadic employment records associated with being fired, laid-off or quitting.

A survey compared a sample of

unemployed individuals with employed youth in the same age range and produced an additional profile. It showed the unemployed believed they lacked the ability to get and hold a job, and that they were anxious when faced with new situations and people. Both Dennis and Claude shared these attitudes. Claude did not value work as an activity. The survey pointed out that this value factor separated the workers and the students from those chronically out of work. Dennis, on the other hand, was a potential worker. He believed in the work ethic but was very anxious and unsure of himself.

A social skills training program evolved from the research. It included extensive counselling and role-playing of successful behaviors. One component of the program offers a technique to reduce anxiety called flooding. In Dennis' case, for example, the specific situations or triggers that produced stress and anxiety were defined. Using this information as a basis for questions, a series of three minute interviews lasting about an hour was arranged. Dennis was asked to report, using a seven point scale, his perception of his anxiety levels and skill levels in dealing with each interviewer. The interviewers, who were volunteers, kept their own record of his performance. Dennis and the volunteers were consistent in showing that anxiety levels declined and skill levels rose. "Flooding" was found to be an effective method of integrating learning within a counselling situation. It also seemed to reassure him that he could handle a number of different types of situations successfully.

With Claude, the group faced the problem

of a lack of commitment to the work ethic. How could they successfully engage him in long-range vocational planning? His lifestyle had brought excitement, peer-recognition, and immediate rewards. The challenge was to keep him interested even when there were long waiting lists for training courses; unbending bureaucracies; dreary, sometimes boring, work-placements; and rejections from personnel staff.

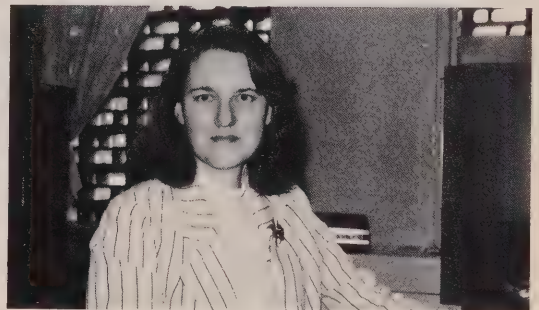
A warm relationship between Claude and a certain volunteer was a critical factor for success. Firm limits and expectations were set, and the volunteer reviewed and assessed all of Claude's achievements, however small, giving praise and recognition for any accomplishments.

As Charles was explaining this to me, a clean-cut boy entered the office. I had expected all clients to be rather scruffy with long hair and wearing jeans. Charles, seeing my expression, said an important part of the program was grooming.

Students were taught to groom themselves for acceptance in the conventional workplace. There was a lot of support for the theory that first impressions were lasting. He said the program tried to present the people as well as their skills.

It was finally time for me to leave, and as I drove home, I thought about Charles. Perhaps the major feature in his success was the ordering of his priorities. He believed organizations were here to serve people. People came first, and for those who found it difficult to operate in a formal education setting, Charles had found a way to help.

Ms. Kelly has degrees in both English and Psychology and she is currently in a post-graduate counselling program at the Ontario Institute of Studies in Education. She joined probation and parole services in 1967, and has worked for both Metro-Toronto and the Halton-Peel regions. Presently, she is a project development officer with the community programs support services branch, Ontario Ministry of Correctional Services.



WHITEWATER WITHOUT WHEELS

by G.S. Ravensdale



Photo courtesy of "Oshawa This Week". (Left to right) Front row: C.J. Miller-Ashton (area manager), David Schmid (standing), Al Dempsey, Bob House, Gerry Ravensdale, Tim Mackendrick (standing), Julie Lynn, Julie Cockerton. Back row: John Buffet (film crew), John Stoneman (hidden), Brad Feeney, Dr. Peter Noble, Mark Stringer, Ken Post (C.S.C.), Angus Bentley (assistant).

Since the days of the first Canadian explorers, canoeing has been a means of transportation, exercise and recreation. Today, able-bodied men and women face the peril of the whitewater rapids, both for enjoyment and out of necessity. There is a certain thrill to canoe along a river that for 12,000 years has slowly and purposefully carved its way through rock and forest.

Outward bound programming is a well established tradition within the ministry of correctional services. This particular eight day trip, a description of which follows, is thought to be the first of its kind in Canada because it included disabled people and probationers as contributing members in a wilderness excursion.

The week-long trip was along the Petawawa River in Algonquin Park, northern Ontario. The river passes through several small lakes and a number of sections run through challenging rapids.

The group consisted of five probationers, one who is disabled; a disabled non-probationer; a probation officer; a member of the Frenchman's Jaycees; a physician; and a five-man film crew, along to document the trip.

As a probation and parole officer, with the ministry of correctional services, Pickering, I was in charge of the trip.

The six participants came together for the first time in March 1982. They met at least once a week for 10 informal training sessions which were developed to prepare them for the trip. The training sessions, also under my direction dealt with first aid, inwater rescue, camping skills, mouth-to-mouth resuscitation, environmental studies, and fitness. In addition, the participants received both personal instruction in canoeing and watched films made by experts about whitewater canoeing. Finally, each had to qualify for the trip by writing a comprehensive examination. The training sessions were geared towards the concept of team building, and they afforded the project coordinator an opportunity to identify the various strengths and weaknesses of the participants.



On June 14th, 1982, the group ventured forth deep into the interior of Algonquin Park. David was the only member of the group to have served a sentence in an institution. He had habitually been an underachiever; but, during the course of the trip, he established unchallenged leadership skills and assumed personal responsibility for the transportation and safety of Bob, a paraplegic, who for the past nine years had lived his life in a wheelchair.

Surprisingly perhaps, Bob was also on probation. The others somehow suspected and later he confirmed it. He was arrested for siphoning funds from the treasury of a local wheelchair basketball team in order to cover his rent. Part of the penalty incurred was an almost total rejection by members of the disabled community. One of his personal goals in joining in the whitewater experience was to make amends and regain his pride and dignity in that select fraternity. Before the trip, he asserted that he too had the right to accept risks and challenges. He observed that this kind of adventure held risks for the ablebodied as well as the disabled but he felt confident that given the pretraining exercises in safety procedures, he was assuming an intelligent undertaking.

One of the advantages of a project of this magnitude is that it tends to compress the process of relationship building. At first, the conversation among the members on the trip revolved around areas of commonalities such as common friends, musical likes and dislikes, various lifestyles etc. Because they were expected to work together and build the walls that they had constructed were eventually torn down, and the group began to accept each other as individuals.

On the ground of the various participants, it was difficult to obtain they were different. However, Julie C. had been labelled as a person who was impulsive but also a caring person. She was one of those who have a strong sense of direction but are also very sensitive individuals.

Brad, was a person who was able to speak about his feelings and emotions. However, during the trip, he was at a level which was not as high as the others.

Tim, the young man who was insecure and shy, was the one who was the most interested in life. On the second day of the trip, he tipped the canoe and with considerable difficulty found it within himself to overcome his fear. He eventually became more confident and self-assured. He no longer compared himself in negative terms to the stronger, more experienced participants. His character development was the most radical transformation of any member of the team. For the first time, in his life, Tim talked about long-term goals.

One of the members of the trip was Julie L.,



our second Julie. She had suffered a broken back in an automobile accident and whereas Bob had had some wilderness experience, she had had none. Simple tasks, such as moving about the campsite or protecting herself from insects and wet weather required a great deal of thought and planning. During the entire eight-day trip, she never once complained and technically, she became the most polished and improved member of the team. As Julie proudly pointed out, she was the only member of the group not to capsize her canoe.

"We all surprised ourselves," said Bob, "no-one was an amateur at the end of the trip because of the experience, the training, and the planning."

It has often been asked whether this type of outward bound programming fosters long-term changes in personality or is purely a situational phenomenon. There are a number of variables at play and there are many unknowns to be examined before any definitive analysis can be offered. However, if one believes in human growth and believes that this process can be accelerated by challenging clients on their own level - emotionally, physically, and intellectually - then it is worthy of serious investigation.

I am quick to add that the film about this whitewater experience, called **Whitewater Without Wheels** demonstrates that the greatest obstacle to both the physically and socially handicapped is often the attitudes that others have about them and in many ways, related to that, the attitude they have about themselves. If such attitudes can be developed, it stands that they can also be altered.

Gerry Ravensdale began his career in corrections at Grandview Training School, December, 1973. In 1976, he joined the probation and parole services in Ajax, Ontario. Mr. Ravensdale is a graduate of York University. He has an honors degree in history and geography. He is married and his hobbies include scuba diving, skiing, and woodworking. He is vice-president of the Frenchman's Bay Jaycees.

A SUGGESTED CORRECTIONAL RESPONSE TO BASIC QUESTIONS ABOUT CRIME AND RECIDIVISM

by Darryl Plecas and Timothy Segger

Introduction

What causes crime? Do any of the range of correctional programs employed around the world truly affect recidivism? These questions and others relating to the reasons people commit crimes are asked of correctional workers all the time. While most perhaps know the answers, giving them is not easy. Rare are the correctional workers who have not faced the community resident who awaits answers with great skepticism and 'hard line' options about criminality.

A major problem with having to answer questions about crime and criminality has not so much to do with our lack of understanding of crime, but rather with our lack of knowledge about a simple way to respond while still recognizing the complexity of the issues. Theories are discussed and criticized as if there is little consistency among them, when in fact they should be more properly treated as simply representing different emphases. Similarly, research findings regarding correlates of criminal behavior are often discussed and criticized without proper attention to differential effects (differences among discrete sub-groups) and masking effects (effects masked by the presence of other effects). Then too, it is only recently that we have been encouraged to take the holistic approach necessary to understanding the way all the information available can fit together.

The purpose of this article is to present a view of criminality that correctional workers can adopt with the general public when discussing the causes of crime, appropriate correctional intervention strategies, and reasons for recidivism. This is not suggested as a replacement for contemporary theories on criminality but as a framework which will assist to quickly assimilate newly acquired knowledge about any number of theories and research findings into any one perspective on criminality one might wish to consider. We have found that most members of the public feel this model enhances their understanding of crime and criminals, and their appreciation of the difficult task faced by correctional workers. We have avoided specific reference here to theories, research and the terminology we might ordinarily use in a discussion with correctional workers.

Categorizing the Causes of Crime

The reasons some people commit crimes, and others do not, can be grouped into six basic

categories. Actually, there are more if we consider that some theory and research, regarding the causes of crime, really amounts to combinations of these basic categories. The six categories are:

1. The nature of an individual's makeup

Some people believe that crime has something to do with either personality disorders, physiological or neurological abnormalities, physical appearance, and an individual's personal needs and goals, and/or lack of education, work skills and social skills.

2. The presence or lack of inner controls

Some research indicates that people do not commit crimes because they possess very strong internal constraints including: a high level of moral reasoning, a fear of reprisal, a well developed conscience and/or strong socially acceptable beliefs and values. Most people who commit crimes have a significant lack of internal constraints.

3. The presence or lack of outer controls

Some research indicates that people do not commit crimes because they have strong and influencing ties to a church, family, co-workers, law-abiding friends, and/or a cohesive community. Such controls, depending on the degree to which they exist, can provide peer pressure, guidance, assistance, positive labelling, stability, protection, and/or a sense of belonging for an individual. Those people who have a significant lack of these controls (external constraints) are far more likely to commit crimes than those who don't.

4. The presence or absence of negative social and environmental influences

Some research suggests that many people commit crimes because of peer pressure, a lack of work and social opportunities, and/or poor social and economic conditions within their environment.

5. The presence or absence of negative circumstances

Some people feel that some crimes are due largely to the presence of certain situational factors present at the time and/or just prior to the crime occurring. Drugs and alcohol might negatively affect an otherwise normally controllable situation, as might any number of things which are known to affect stress levels and a person's biochemistry generally.

6. The presence or absence of factors affecting opportunity

Some things such as the accessibility of weapons and poor environmental design can provide unusually easy opportunity to commit crimes. On the other hand, some things, such as the presence of law enforcement, good environmental design and physical danger can, in some cases, virtually eliminate opportunity. While every crime requires an opportunity and while some individuals (perhaps career criminals) seek out opportunities, some incidents of crime are due largely to the influence of what we might call "unusual" and/or "tempting" opportunities.

And as we will recognize that there is truth to at least some of the theory and research that falls within each of the above categories, yet we can cite examples where a category seemingly doesn't apply; people who lack inner controls yet don't commit criminal offences;

people who appear to possess strong inner controls, but who do behave criminally; people who have long had a significant lack of work and social opportunities yet would never think seriously about committing a criminal offence; or people who have committed crimes despite having an excellent work situation and social opportunities. However, as we will explain, these apparent discrepancies should not at all lessen the credence we would give to one of the six basic categories mentioned.

The Significance of Pronounced Categories

Imagine that each of the six basic categories represents a continuum on which the "significant presence" of the category is on one end and the "significant lack" of the category is on the other. And consider that together the six categories represent a set as illustrated below.

SET OF CONTINUUMS

Positions on this side of midpoint work to increase likelihood of criminality		Positions on this side of midpoint work to negate potentially negative effects from other side
(-)	MIDPOINT	(+)
significantly negative personal make-up	_____	significantly positive personal make-up
significant lack of inner controls	_____	significant presence of inner controls
significant lack of outer controls	_____	significant presence of outer controls
significant presence of negative social and environmental influences	_____	significant absence of negative social and environmental influences
significant presence of negative circumstances	_____	significant absence of negative circumstances
significant presence of unusual or tempting opportunities	_____	significant absence of unusual or tempting opportunities

At any given moment in their lives, some people will fit on the positive side of each continuum and others will fit on the negative side of some continuums. But because we are talking about something complex and difficult to quantify, generally speaking it is only possible to estimate roughly where any one person would fit on each of the six continuums at any given point in time. For example, we can take an account of an individual's make-up (e.g., personality traits, skills, abilities, intelligence, physiology, physical appearance, and needs), consider the sum total of all positive and negative factors, and have a rough idea where we might fit that individual on the personal make-up continuum. However, there are people who have attributes that are clearly and significantly negative or positive, and are easily identifiable as being on one end of the continuum or the other.

There are people who are either exceptionally bright, skilled, educated, or have an extremely strong psychological make-up; and there are people who have significant personality disorders, diminished mental capacity, poor social skills, or physiological or psychological abnormalities. The problems of the latter group are often so pronounced that in determining behavior is not affected by the presence of whatever positive factors might ordinarily work to counteract negative behavior. Accordingly, if we consider the behavior of people who consistently find themselves in trouble with the law, we can say they are people who are (because of one factor/condition or another) on the extreme negative side of one or more of the first three continuums, or (2) if they are on the positive side of one or more of the first three continuums, they are on the extreme positive side of one or more of the last three continuums at the time the criminal

act occurs. People who never engage in criminal activity are people who are either (1) on the extreme positive side of one or more of the first three continuums, or (2) if well on the negative side of one or more of these first three continuums, they are also on the extreme positive side of one or more of the last three continuums. In other words, we aren't likely to find a person with strong inner and/or outer controls behaving criminally, but if we do, we will find that there is a pronounced presence of either negative social and environmental influences, negative circumstances and/or "unusual" opportunities. Similarly, we aren't likely to find a person with a significant lack of inner and/or outer controls behaving criminally where there is a pronounced absence of negative, social and environmental influences, negative circumstances and/or "tempting" opportunities.

Reducing Crime

For some, the view of criminality outlined above might be considered too general to serve as a working guide to reducing crime. But is it? We don't really need to know all of the causes (or the details of any causes) of fatal auto accidents to reduce highway fatalities. We need only build autos so well designed they protect drivers from personal injury regardless of impact. In doing so we would not be ignoring the multiplicity of other causal factors such as alcohol, speed, road design, weather conditions and driver carelessness - we would simply be attempting to negate whatever influence these other possible causal factors might have.

Similarly, there is no need to know the specifics about the causes of crime to reduce it; we only need an indication of some of the suspected potential causes. Perhaps we may never really know the causes for each crime, the result of a multiplicity of factors, some immeasurable, working in concert in an ever-changing environment. Still we can reduce crime by interjecting factors into people's lives and their environment that are so pronounced they neutralize, or at least reduce, whatever influence suspected potential causes might have.

Referring to the six categories then, our efforts to reduce crime are, in effect, efforts to move individuals as close as possible to the far end of the positive side of each continuum. Our success in these efforts will depend on our capacity to intervene such that, for any person at any given point in time, at least one category is very pronounced on the positive side.

Specific information will still play an important role in helping to ensure that the intervention strategies we choose, or are forced to use (e.g., use of prisons), are the most effective, least expensive, and bring the least amount of interference and suffering into the lives of all people.

The Difficult Task of Correctional Workers

The correctional worker's role in attempting to reduce recidivism is difficult for at least two reasons which are related to the causes of crime. First, they have the disadvantage of not being able to address seriously factors falling within most of the six basic categories of causes discussed here. They have little control over the social and environmental influences, negative influences and "unusual" opportunities presented to offenders leaving their custody. They have little control over the extent to which an offender is provided with outer controls, even where this lack of control is significant, given that most offenders will fit on the negative side of the continuum in at least one, and sometimes all categories of causes.

Second, due to a variety of issues associated with the aims of sentencing and the provision of rehabilitation programs, correctional workers have the disadvantage of not being able to ensure that offenders who leave their custody are anywhere near the positive end of the continuum with respect to inner controls or individual make-up. Even where attempts are made to move individuals toward the positive end of the continuum in terms of inner controls and individual make-up through intensive correctional programming, the task always remains difficult because correctional workers usually have only a few months, or a few years at best, when movement toward the positive end of the continuum is something that normally occurs over a period of several years.

Given such disadvantages, it should not surprise us that recidivism continues to remain high. Simply, most offenders leave custody as they enter, on the negative side of most continuums. To correct this situation correctional authorities have two options: (1) incarcerate, and thus eliminate the opportunity to commit crimes, or (2) provide correctional programs that ensure offenders leave custody with stronger inner controls, or as people who would fit at the extreme positive end of the continuum relating to their personal make-up. As all of us are aware of the enormous social and economic costs and human suffering that comes with the first option. That leaves correctional authorities to continue their efforts to address the second - habilitation.

Summary

In both a social and professional context, the correctional worker will often find it necessary to offer a view of crime and recidivism in very simple terms. In all cases, the correctional worker will want to present a view which easily incorporates a listener's own personal beliefs and understanding of crime and recidivism. To this end, the correctional worker can follow these five steps in his/her guide:

1. All of the different reasons that have ever been offered to explain why some people commit crimes and others do not can be grouped into six basic categories. The

listener's own view should fit into one of these categories.

2. These categories together can be viewed as representing a set of continuums on which all individuals fall on the positive or negative side at any given moment in their lives.
3. Positions on the negative side of each continuum work to increase the likelihood of criminality, while positions on the positive side work to negate potential effects from the negative side.
4. Our efforts to reduce crime are, in effect, efforts to move individuals to the most positive side of each continuum.
5. The task of correctional workers is particularly difficult because of their lack of control over an individual's position and movement on most of the continuums.

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Mr. Plecas joined the Correctional Service of Canada as a family and social worker, later as a living unit supervisor. He joined Fraser Valley College where he is currently an instructor in criminology and the co-ordinator of field practicums for Criminal Justice Programs. Mr. Plecas is a member of the Citizens Advisory Committee of Matsqui Institution and he is on the board of directors of the Victim Reparation Society, Chilliwack.



Darryl Plecas



Tim Segger

Tim Segger began working as an educator in the criminal justice system in 1976, teaching sociology at the University of Victoria campuses in the B.C. Penitentiary and Matsqui Institution. He joined the Correctional Service of Canada in 1977 as a socio-behavioral training specialist, and later gained experience as a parole officer.

In 1980 he joined the Criminal Justice Department faculty at Fraser Valley College where he is currently co-ordinator of Criminal Justice Programs. He is a graduate with two degrees in sociology from the University of Victoria and is the author and co-author of several articles and research reports in a number of criminal justice areas.

BLACK CREEK VENTURE GROUP

by Gerry Gilmartin

Concern about the rising crime rate among the youth in the City of North York, within metropolitan Toronto, prompted school principals to call together a group of interested citizens in 1973. At a public meeting, these Toronto principals voiced their anxiety about the rising crime rate and, as one of the possible contributing factors, the lack of recreational facilities and programs for the youth in the area. The group at this meeting banded together, and later applied for and was incorporated under the name of Black Creek Venture Group.

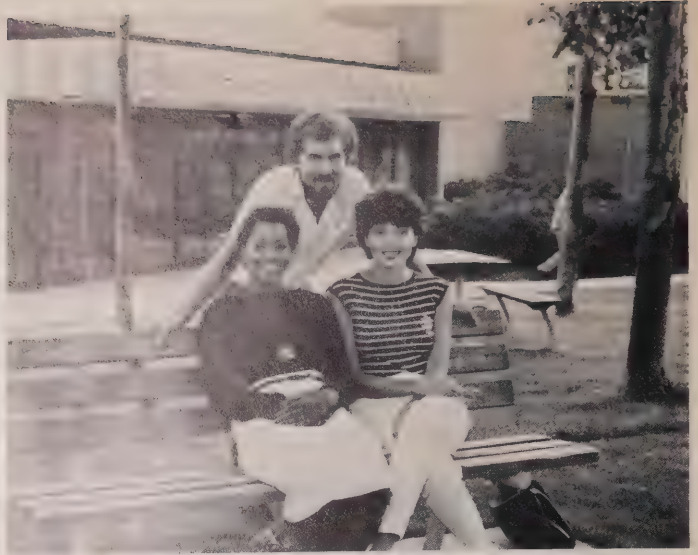
The Black Creek Venture Group set forth a list of five objectives:

- to provide young people with the opportunity to participate in group and teen activities;

- to provide young people with a place to belong to, to meet their friends, and socialize;
- to provide a variety of programs for young people, such as teen sports, trips, special events, movie nights and dances;
- to provide leadership training for the youth participants; and
- to attempt to reach the youth who are having problems in adjusting to the norms of society and to provide them with positive alternatives.

Initially, the Black Creek Venture Group operated its programs out of four area schools, but in 1977 the programs were amalgamated in a new community centre. Since its inception, the group has worked closely with the North York Department of

Photographed in front of the Driftwood Community Centre: (from left to right) community workers Faith Hewitt and Brian Whitehead, and secretary Karen Vandervelde.



...ks and Recreation and the funding it received has been mostly to pay wages for the youth leaders and supervisors. The funding may, at best, be described as

...ams that the group offers are varied and the success of these programs is remarkable. One of the programs currently being run is a night program for adolescents age 13 or older. This program provides recreational activities, operates four nights a week, and caters to, on the average, more than 200 young people per evening.

The After-Four-Program is for six to 13 year olds and also provides recreation activities. It operates Monday to Friday, with more than 300 children registered.

A program for handicapped young people is in operation every Saturday during the winter and five days a week during the summer. Opportunities for camping, etc., are offered to those between the age of 12 and 20. In addition, during the summer there is a baseball league, and in the winter hockey is offered for young people aged 13 years or older. Opportunities for involvement in basketball, soccer, and other sports also exist.

...ears, at the invitation of the ...ts, the Black Creek Venture Group has been involved in the juvenile community

service order program. A community service order is a condition of a probation order which requires the offender to perform a prescribed number of hours of unpaid work for the benefit of the community. Job placement opportunities for the completion of community service are provided and supervised by the group. A similar service has now been established under the Adult Community Service Order Program.

In September 1980, the Black Creek Venture Group became more extensively involved in the criminal justice system when it entered into a contract with the Ministry of Correctional Services. Since the work of the Black Creek Venture Group is viewed by the ministry as being largely crime preventative, the focus of the contract was two-fold; (a) assistance to the group in its work of crime prevention, and (b) provision of service to selected ministry clients with a view to assisting these clients to become responsible, law abiding citizens.

The Black Creek Venture Group has entered into a new agreement with the ministry with the establishment, in October 1982, of an Attendance Centre Program. The concept of Attendance Centres is not new to the field of corrections but it is a relatively new idea in Ontario. The essence of the program is the provision of intensive services to

multi-probationers or parolees. Prior to its inception, months were spent in researching the community to discover and to



establish linkages with the resources that would be key to the successful running of the program.

While it is yet too soon to assess the impact of the program on the clients, some insight into what is happening may be gained from the observations of workers in the Attendance Centre Program. They refer to a quote from John Lennon (1980) - "Life is what happens to you while you're busy making other plans . . ." - and go on to say:

"Much of our experience over the last year is reflected somehow in the above quotation. It reminds us that somewhere in between the theories of our proposals and the day to day practice of our program, the Attendance Centre has taken on a life of its own. Barriers are falling down, doors of

communication are opening and attitudes are changing. The project itself has ceased to be just another program. It is an accepted part of people's lives in this community. In the haste to make "other plans" for our clients that include referrals, counselling sessions and programs to plug them into, we sometimes forget that a process is going on. Some of them are making that incredible leap from being "referred to" the centre to being "part of" the centre. The staff puts aside the notion of "multi-problem clients" and views them more as people with varying strengths and weaknesses. And the community puts aside the notion of "offenders" and views them more as young adults who are a reflection of the community's own strengths and weaknesses. The trust that develops on all sides as a result is the lifeline we depend on.

It is hoped that formal evaluation of the Attendance Centre program will be done in the near future. With this in view, Sally Rogers of the Ministry's research branch is contacting the staff of the Centre and advising as to the kinds of data that should be collected.

The Black Creek Venture Group has now been in existence for ten years. Six people make up the group, with Lenora Suddes as President. This group survives and succeeds because of its unselfish commitment to the community. It survives and succeeds because of the support it receives from individuals and groups who recognize the value of the services being provided. It has answered and continues to answer the need voiced in the 1973 meeting.

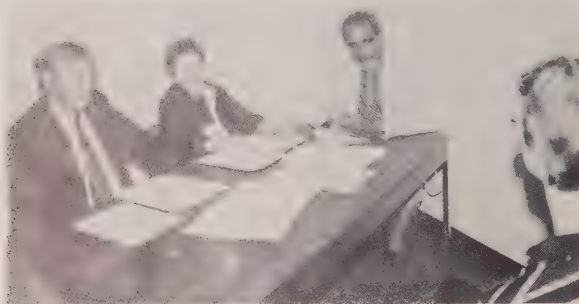
Gerry Gilmartin was born in Ireland and has a post-graduate degree in theology. Between 1969 and 1974 he worked as a probation and parole officer and was promoted to senior officer in 1975. Mr. Gilmartin became the area manager, probation and parole, Bay Street office, Toronto in 1979. In 1981, he assumed his duties as area manager, North York. Mr. Gilmartin has written many articles and had an open-line television program that dealt with corrections.



Ontario

Board of Parole

by John Roe*



Ontario Board of Parole members (from left to right): Mr. G. McFarlane, Mrs. H. Marginson and Mr. A. Blackwood, during a recent sitting of the Board at the Toronto Jail.

To those of us in the field of Ontario corrections -- whether working in institutions or community supervision -- 'The Parole Board' has historically tended to be regarded as a somewhat august, semi-judicial body, far removed from the common daily round. Whereas it does not command quite the same formal respect as the familiar "Everyone rise. . ." injunction of courtroom protocol, nevertheless, few were left in doubt as to when it is in town.

In the next few years, however, it is likely that paroling procedures and decision-making will increasingly come under public scrutiny. As of January 1, 1983 all alleged parole violators in Ontario are being offered the opportunity of a personal hearing prior to the board rendering a decision whether to continue or revoke parole -- this, following a judicial ruling citing Canada's new Charter of Rights. Other

legal challenges -- such as the 'right' to legal representation at parole hearings -- are anticipated. All of these developments point to parole becoming the new battle-front of corrections.

What constitutes sufficient punishment/-denunciation for particular offences; when is an individual considered ready for social reintegration; and how does one balance the risks in releasing offenders on parole before the expiry of their prison terms, are all philosophical issues faced daily by parole boards. One approach to these philosophical issues -- as has occurred in some jurisdictions in the United States -- has been to abolish parole boards altogether. At the other extreme there are those who would vest parole boards with predetermined, formulaic criteria aimed at reducing, if not entirely eliminating, individual judgement by decision-

* In the last issue of **correctional OPTIONS** the writer, then working in Ontario's Probation and Parole Services Branch, had the temerity to venture (among other things) some opinions about parole. Appointed in September 1982 to a two-year term on the Ontario Board of Parole, he now offers an 'insider's' view on the provincial parole scene.

makers.

Corrections has enjoyed some discretion in managing the amount of time an inmate actually serves in prison, whether through regulated remission of sentence or the use of temporary absence programs. Nevertheless, there is often a misconception about parole boards in Canada -- perhaps because their authority depends directly on Ministers of the Crown -- that they are semi-judicial bodies, 'tampering' with court decisions. In my opinion nothing could be further from the truth. Although something of a neophyte to the parole process, I would like to offer the following observations (which do not necessarily represent the views of either the Ontario Board of Parole or the Ministry of Correctional Services):

- The responsibilities of the Ontario Board of Parole are not of a semi-judicial nature; rather, the Board is charged with the task of determining whether it is in the best interests of both society and the offender that the remaining portion of the offender's time be served under community supervision. This clearly falls within the mandate of corrections.
- The notion of parole is based on the same premise as that which underpins correctional philosophy, to wit, people can and do change. At the time of sentencing judges are simply not in a position to determine at what stage of an individual offender's sentence he or she is ready to change.
- The concept of an independent paroling authority hangs from the premise that the determination of whether an individual is a suitable candidate for parole will not be influenced by other considerations such as prison overcrowding and systemic institutional management and field supervision concerns. Instead, each decision about whether to grant or deny parole is an individual one -- and, as such, voted on accordingly.
- The direct involvement of non-correctional personnel in these

decisions is a key dimension. Whereas it is not a 'jury of one's peers' in the judicial sense, a parole board comprised overwhelmingly of persons drawn from a cross section of the community affords a balanced perspective -- at the same time fulfilling the larger objective of involving the community in the reintegration of offenders into society.

- Finally, the democratic principle of an equal-voting, three-member board -- which is unique in Canada -- means that decisions are truly the outcome of independent judgement by those participating. Whereas it is tempting in these difficult economic times to follow the example of other parole authorities and opt for two-member boards, or even a single hearing officer, I would suggest that there are intrinsic 'costs' in developing these responsibilities. Attractive as it may appear to develop parole formulas (utilizing so-called quantifiable data to replace human judgement), it is as well to remember that the social sciences have yet to determine precisely when an individual is no longer a 'criminal risk' to society -- short, that is, of employing 'Clockwork Orange'-type resocialization techniques. For if nothing else the involvement of thoughtful, concerned citizens at this critical stage in the correctional process should keep us all on our toes in ensuring that justice is not only done, but seen to be done.



Mr. Roe is Vice Chairman, West Central Region, Ontario Board of Parole

VOLUNTEERS: A CRITICAL ANALYSIS

and of "moonshiners" set about their nefarious business. The groups broke away only to run into each other as the night was closing. Realizing they were friends, each thought the other to be a traitor and a fierce gun battle broke out. Finally, the firing died away and the moonshiners were found. The patriarch of the clan turned to his idiot son and said, "Go through them trees and see if ye can find out who them traitors are." Afterwards, the son returned. "Them," he said, "is us."

by T.J.B. Anderson

One of my friends are volunteers and because no one can have too many friends, I was somewhat reluctant to write a critical article on this subject. Criticizing voluntarism seems to provoke reactions similar to those to be expected from confessing a predilection for arson at a fireman's convention - neither activity guarantees popularity. Nevertheless, a critical inquiry is a necessity, for only by thorough examination can we make sure organizations carry out their proclaimed mandate, and maintain their integrity.

In recent years, the use of volunteers has become an increasingly important feature in many fields such as mental health, education, and juvenile delinquency, as well as in correctional programs. Faced with inflationary pressures on budgets, and the reluctance of government to allocate more funds to social services, administrators have been forced to turn to inexpensive sources of labor to carry out many of the tasks they deem important, or even essential, and one of these sources has been volunteers.

The allure of cheapness has, I believe, prevented administrators from analyzing the true nature of the transaction which takes place when volunteers are used to provide a service. Administrators, and their political masters, are almost invariably forced to adopt pragmatic solutions for the problems they deal with. Rarely can they subject these solutions to a thorough analysis.

A common rationale for the use of volunteers is best illustrated by quoting a relevant passage from a speech Mr. Bountiful Coordinator of Extra-curricular Activities for the Department of Good Causes has been making with some frequency in recent months.

"One of my programs, for instance," Mr. Bountiful informs his audience, "uses 100 volunteers a month for a total of 1,000 hours. Based on the average salary paid in my department, this would cost my department \$10.00 per hour, if we had to pay for these services. Thanks, therefore, to our generous public spirited volunteers the taxpayer has been saved \$10,000."

Such remarks usually bring polite, though restrained, applause from the audience. Many of them can remember only too well when Mr. Bountiful was apt to close his speeches with pleas for increased funding to expand a new program (certain to rid society of a major evil if only the taxpayer would be persuaded to make available a few million dollars more), and though, like the missionary to the Anthropophagi, they welcome the outward signs of a change of heart, nevertheless prudent self-interest dictates due caution be exercised.

Plausible as Mr. Bountiful's case may appear, it does contain a number of inconsistencies. To take the most obvious: Mr. Bountiful may indeed have saved the taxpayers \$10,000, but, at least by his own reckoning, 100 of these same taxpayers have made a contribution to the public weal of services which also had a value of \$10,000.¹

Despite the inconsistency and though, as will be shown shortly, it is misleading to place a monetary value on all voluntary activities, Mr. Bountiful has drawn attention to an important principle. This is, that the provision of a service requires that something of value be passed from one part to the other, and if no payment is made in return, this does not render valueless the service transferred. In this instance, the provider is denied an opportunity of purchasing services, or goods, in an amount equivalent to the value of the services donated. If the reader doubts this, the following example should suffice to convince. Ms. Benevolence donates a valuable painting, or her slightly used Mercedes, to Mr. Bountiful's organization. He, in turn, can sell her gift and use the proceeds to hire a social worker, or provide food and housing, or do anything else worthwhile he chooses. However, if Ms. Benevolence is herself a social worker and volunteers to provide so many hours of her time at no cost to Mr. Bountiful, he is in exactly the same situation. If Ms. Benevolence's painting sells for \$2,500 and social workers are paid \$25 an hour, Mr. Bountiful can purchase 100 hours of service, whereas, if Ms. Benevolence volunteers 100 hours of her services as a

social worker, then Mr. Bountiful is not required to pay out \$2,500. In either case, Ms. Benevolence has transferred something worth \$2,500; in the first case, her painting, in the second, her services.

Such considerations point to a further and more subtle inconsistency in Mr. Bountiful's argument. In our society, many activities, by their very nature, are not perceived as ones which require payment. Good citizens coach hockey teams, provide leadership for youth organizations, teach in Sunday Schools, collect for the United Way - the list is almost endless - and these good citizens do not expect payment. Admittedly, payment may become appropriate in certain circumstances. For example, a coach may be hired if the baseball team requires professional coaching. But, generally, no payment is expected for coaching the junior baseball team, and neither should it be expected if the baseball team is behind bars. Mr. Bountiful, therefore, should not include this type of volunteered time in his figures.

A further point should be made. Volunteer activity presupposes a situation where the participants have sufficient resources to allow marginal activity of this nature to be possible. Only as a society provides opportunities for meeting basic needs by a limited outlay of time can voluntary activity become possible, and this remains true even though individuals may vary greatly in their perception of a need, and in the effort and resources they personally expend in satisfying their needs.

Mr. Bountiful, by introducing a financial aspect, seems to be in contradiction to the traditional view of voluntary activity, and it may be of interest to speculate why this shift has taken place. Perhaps, all Mr. Bountiful intended was an analogy which allows his audience to appreciate the worthwhileness of the volunteer programs provided, but if this were so, we should find the volunteer activities alluded to would be the traditional ones, i.e., the ones not normally requiring payment no matter where they are performed. This is not the case.

Consider a few examples: Volunteer



Artwork by Denis Andre

...such widely ... probation ... library support ... a few. In all of these ... payment is normally ... to the person providing the service, ... reversing the example of the coach of the junior baseball team. Undoubtedly, there are cases where it is difficult to make a clear cut distinction. Perhaps in a small community the staffing and running of the library has always been a voluntary activity; nevertheless, if the larger community is considered, we would find the activity is a paid one. This is not so with the baseball team; this activity is a voluntary one in virtually all circumstances.

The question becomes a matter of ... why this shift has taken place. ... seems to lie in the economic ... of the last decade, and the effect ... of social outlooks.

... has been a real shortage of ... desire to allocate resources to other rankings, the end result is the same. Organizations concerned with social welfare, and especially government organizations, have had financial restrictions placed on them which have

prevented growth and in many instances have brought about reductions in the services provided. In this situation, Mr. Bountiful seems to deserve praise for taking steps to maintain, or even improve, his services without additional recourse to the public purse.

Unfortunately, as the previous analysis has shown, this is not so. Whether our social worker pays taxes or contributes time is immaterial; in both instances a resource has been transferred and used. In both cases, the contributor is precluded from using her services to obtain other goods and services, as would have been possible if taxes were not paid, or if payment were received in the usual manner for services rendered. Thus the use of volunteers can only counteract a real shortage of resources by increasing the amount of service which has to be performed before other goods or services can be purchased. Conversely, if there is a real need to shift resources to other endeavors, surely it would be more advantageous to identify clearly the resources being transferred, and it is here that Mr. Bountiful's well-meaning efforts seem to "fudge" the situation.

Granted that no society has unlimited

resources at its disposal, it would seem to be a prime purpose of any society to distribute its wealth in an organized fashion. Wealth consists of the vast range of goods and services available to the citizens of a country, and distribution in our society is achieved by the production of goods or the provision of services which are transferred through the medium of our monetary system. Though individual choice in production and consumption is encouraged (within limits), it is generally accepted that certain services are universal and it is incumbent on all to pay for them. Broadly speaking, this applies to government services, and though many services are purchased from the government on the basis of a fee for use, nevertheless, it is generally true that everyone is expected to contribute towards these services through a system of taxation. Though there is a difference of opinion in our society as to the appropriate extent and nature of government services, our system of government does provide mechanisms for arranging and changing such matters. One thing would appear to be obvious. Governments have no resources at their disposal which are not part of the total resources available to a society.²

Thus, as we consider that part of the criminal justice system in Ontario which is subsumed by the term corrections, we find the following. Apart from some relatively small sums received in direct payment for services rendered, we have a system which is funded by taxes levied on the citizenry. There are no a priori reasons for this, but experience suggests this is an arrangement which is workable because of our society's views on justice, penal policy, and the role of government. It is possible to conceive of other systems, for example, one run entirely, or largely, on a voluntary basis, or one run for profit by private enterprise. If a new system is suggested to us, we have every right to require it to produce results as good as, or better than, our present one, and in doing so, it should be as efficient, and possibly cheaper.

Because of economic circumstances, the public at large is disinclined to invest more of its resources in corrections. This may

not be advisable, and it may be shortsighted, but such decisions should only be reversed on the basis of reasoned arguments. One such argument would be that the additional investment of resources leads to a reduction in crime, with consequent savings to society as a whole. To support such an argument, we would expect its proponents to produce empirical evidence in confirmation, or, at least, offer theoretical grounds firm enough to justify their predictions of success. It is therefore not unreasonable to apply the same test to the use of volunteers. If the claim is made that volunteers are a valuable resource, then it is proper to ask that their use be justified in just the same way as any other resource which is allocated to a particular endeavor.

At this point, it might be as well to remove the stigma of guilt from Mr. Bountiful and place it firmly where it belongs - on all of us. If Mr. Bountiful really needs more resources, why are we not prepared to pay the real costs? Depending on volunteers does two things, neither of them particularly desirable. First, it makes a burden, which should be a universal one, the responsibility of a small group of people, and second, it interferes with the system for the distribution of resources, the foundation of our economic system. Economic trouble can stem from a shortage of resources; it can also stem from improper distribution. Though some of our material resources are in shorter supply than they once were, there is no overwhelming evidence that shortages are a critical factor in our economy, and if the unemployment figures are anything to go by, there is no shortage of labor to provide services, if that were our wish. This is not to suggest it would be desirable to go out and create jobs in the broad area of social services just for the sake of creating jobs. However, if something needs to be done, it seems highly desirable to attach a monetary value to it, realize that performance of the task entitles someone to a reasonable transfer of available resources, and then decide whether it is worthwhile doing so on that basis.

It is on this point that we should be most critical of voluntarism. It is indeed

difficult to be negative about activities which are surrounded by an aura of goodwill and consideration for others, but ultimately this is not the issue which must be settled. The basic issue would seem to be what magnitude of resources is society required to expend to keep crime within bounds which are more or less acceptable to the majority of the population.

Proponents of voluntarism might well object that such considerations are no doubt important, but why should this prevent individuals from contributing more, if they so desire. The answer is it should not, provided the following criteria are met:

- b) There must be evidence to suggest that the voluntary component produces benefits of effectiveness, or economy, which are lacking in the paid transaction;
- c) There are good and sufficient reasons for devoting the time to activities in this particular field rather than in another.

For the citizens at large, one point cannot be too firmly emphasized. In the heat of the battle, and amidst the shouts and counterclaims, always remember this. You pay for all government programs, and any so-called "savings" come, eventually, out of your pocket. "Them varmints" out there "ain't" the "revenueurs," "them is us".

Mr. Bountiful's department had paid for these same services, a fairly large sum which would have reverted to the government in the form of taxes. Mr. Bountiful would claim the gross amount as the saving realized, or the net amount, if he were also a taxpayer. And, if Mr. Bountiful were to be a taxpayer, the government would benefit but slightly because these taxes would be paid at the same level of government, the taxpayer can only point out that the government is the taxpayer, and that all of these arrangements are ultimately for the taxpayer's benefit.

The main thrust of our discussion is framed in terms which suggest the opposite. The Toronto Star (Toronto Star) for February 4th, 1982 had the following quotations on its front page:

"The biggest victim of the Liberal government's controversial tight monetary policies is the federal government itself. The increase in interest rates . . . meant the government had to pay an extra \$2 billion on Canada's public debt."

"Financial treasurers have greedily dipped into CPP's nest egg as an easy, cheap resource of loans since the pension plan was founded in 1966."

It would now work out who benefited from the extra \$2 billion payment, and who was the victim of the "greedy dipping".

Mr. Bountiful is a man born in England, who came to Canada in 1955. He was offered an internship at the Toronto Public Library. In 1960, he was appointed to the Department of Reform as a librarian, and, in 1965, he became Chief Librarian. Mr. Bountiful is married and has three children and two grandchildren. His hobbies include golf, stamp-collecting, gardening, and fishing. He also enjoys reading a book.



History of Probation

by Michael Crowley

"The future of adult probation in Ontario will ultimately depend on the extent to which its purpose and services are comprehended by the public; there is need for education and interpretation to the public, and to the magistrates themselves."¹

Dickson Taylor, 1952

Thirty-one years later, those involved in probation and parole still feel this need for education and interpretation of services, both to the public and to the courts. To be



successful one must be able to define what the role of probation and parole is and know its goals and purpose. To this end, it is necessary to know some of the history of the organization, and to understand the internal and external forces that have had a lasting influence.

Probation, as we know it, has had a short history in Ontario. This became evident as I read what is considered to be an important source document for the history of probation in Ontario. The document is a master of social work thesis entitled **A Study of Adult Probation in Ontario** and was written in 1932 by a social work student at the University of Toronto. That student was Dickson E. Taylor, who in 1975, became the director of the probation and parole service in Ontario.

Provincial legislation which provided for the appointment of probation officers in Ontario was not written until 1922. From that time until 1951, only four jurisdictions in the province had officers appointed under this act. There were 16 probation officers across Ontario, eight of them located in Toronto. In 1952 these eight officers 'supervised' 556 probationers. Their caseloads ranged from 76 to 111 and since the standards required that probation officers report a minimum of twice monthly for the first six months, it followed that each officer would see from between 50-75 clients on any given (reporting) month. Regardless of the philosophical premise that probation officers could assist in social readjustment, the sheer number of cases militated against any such attempt to apply social work principles. Fred Caunt, deputy chief probation officer, stated: "The size of the workload does not permit probation officers to deal with probationers as is desirable".²

Those doing probation supervision became government employees, and their function. It is important to recognize that although a generic role of probation in Ontario has neither been immutably defined nor enshrined, two functions have always been a dual function for probation officers; to report on the court, and to supervise people placed on probation. Over the years, there have centred around the role of casework versus administration; the helping model versus the supervision model; the medical model versus the brokerage or team management model; and more recently, the opportunity model versus the retributive model. The role of the probation officer cannot be considered in isolation from the rest of the system. The role or mission statement of the organization must be evaluated and the current status of the people involved in the criminal justice system must be examined.

Probation and parole officers, their roles, function, and definition can only be viewed in this context. "Probation was introduced initially as a humanitarian measure . . . They were volunteers - Ministers and others - whose philosophy was that the offender was a deprived, perhaps uneducated person who needed help in adjusting to his environment".³ Indeed, during the 1930s the language used to describe the work of probation officers was "social readjustment"

During the 1940s and into the 1950s, North American probation services continued to expand and a change occurred in their orientation. After World War II, there was an increasing demand for professionally educated people, especially trained social workers, to serve as probation officers. The training of social workers, in turn, was profoundly influenced by the introduction of psychiatric, especially psychoanalytic, theory and was primarily concerned with the individual and his emotional problems and deficiencies.

In Ontario in the late 1950s, officers were encouraged to become involved in their communities. The intent was obvious: in order to build up the service, lay people as well as magistrates (the predecessors to provincial court judges), had to be aware of probation as a sentencing option. This was so successful that it led to increased workloads. The service (then part of the department of the attorney general) quickly retrenched. Officers were

told not to venture into communities and to stick to their mandated duties.

With the 1960s, the casework (medical) model came into use. There were many reasons for this, but if the backgrounds and personalities of the men who influenced the service at that time are studied, a pattern emerges. Daniel Coughlan, the first director of probation, had been in the clergy and while he didn't seek out social workers, he brought with him a concern for social issues. George McFarlane, the first assistant director, was a professional social worker. Dickson Taylor and Bill Outerbridge, men who were responsible at different times for staff training, were social workers.

The role began to change in the early 1970s, but as late as 1973 I often told listeners that my task as a probation and parole officer was to protect the public by rehabilitating offenders. Examples of this position are found in, **The Development of Probation Services in Ontario**, written in 1966 by McFarlane.⁴ He said, "The purpose of a probation program is to protect, habilitate and rehabilitate - values which are implicit in the term supervise as it is used in probation." The **Handbook for Provincial Probation Officers** written by Outerbridge in 1965, states that probation supervision is "characterised by educational, therapeutic and rehabilitative objectives; these objectives being realized through the skilled use of the interpersonal relationship between probation officer and probationer".⁵ In the **Probation Officer Occupational Monograph**, 1971, McFarlane wrote, "A probation officer is a social worker engaged in the preparation of social investigations and in supervision and counselling".⁶ Probation no longer uses the casework model because the political and public attitudes changed and there was no empirical proof that rehabilitation 'worked'. There were no definitions for rehabilitation or counselling. Very few of us who were involved were doing anything substantial with the medical model except (perhaps) diligently describing a diagnosis, prognosis, and treatment plan in our clients' files.

It became evident that probation officers could not be 'all things to all people'. Caseloads continued to increase as judges began expanding their use of probation, and a criminal code revision, in 1969, allowed the option of probation to more classes of offenders, including previous offenders. Academics, especially in the United States, began to question the effectiveness of probation and this led to the Martinson School of 'nothing works'.*

During the late '60s, professionals within the system began to examine the premises upon which the foundations of rehabilitation were built - and found them wanting. Among them, Frank Dell-Apa, Western Interstate Committee on Higher Education, created the Community Resource Management Team Model which developed seven points that by the 1970s could not be ignored. He concluded: probation and parole must improve service delivery; the medical model was inappropriate; probation caseloads would increase with no workload offset; probation officers must assume advocacy roles because all the services probationers require are available in the community; and the team approach is an effective alternative to the isolated 'case' relationship.⁷

The move away from the medical model in Ontario was demonstrated in two papers, written in 1976. John Gaskell and Don Page, both supervising probation officers, debated whether probation should or should not be a control mechanism. Gaskell fired the first salvo with his paper **Probation Officer as a Community Control Agent** and Page responded with **Response to Gaskell**. Both papers contended that the medical model was no longer valid. About the same time, Taylor wrote an unpublished paper in which he stated that an alternative to the one-to-one case model must be found.

The Dell-Appa approach seemed appropriate for Ontario. Workloads had increased since

*It should be noted that Dr. Martinson's study was limited in its scope and prior to his death he stated that some programs could be seen as successful. For an excellent response to Martinson, read **Effective Correctional Treatment** by Robert A. Ross and Paul Gendreau.

1972 when the probation service was moved from the attorney general to the ministry of correctional services, and services to institutional clients and parolees became part of its responsibilities.

In 1977, the Workload Management Committee was formed to look at alternatives and in its report released in 1978 it concluded: "The Committee assumes that most offenders known to the system are not sick" and that therapeutic postures in its programs are not ordinarily appropriate. The same attitudes were found to be in the United States and the National Academy of Sciences, 1978, found that: "the primary mission of corrections is the reintegration of the offender into the community".⁸ Note that any references to offenders as "sick" or "therapeutic" are at the same time, governments throughout North America have been demanding that funding for probation (and other social service programs) be reduced.

The Workload Management Committee decided to stand fast on the size of the civil service, even though the workload had been averaging a workload increase of 12 per cent per year.

The Workload Management Committee was reorganization of the probation service which became the community programs division. Following the recommendations in the committee report, the new executive director, Arthur MacKay, divided the division into the era of programs. To cope with this increase in caseload without an increase in staff, the probation service delivery through contracts with private, non-profit organizations.

The probation service grew from contracts worth \$146,415 in fiscal 1977/78, to more than \$5,500,000 planned for 1983/84.

The criminal justice field is the so-called Justice Model, a theory developed by David Fogel and others at the University of Illinois: "Our position is that the role of the probation officer has moved beyond that of a caseworker to a role of compliance orientation. Probation officers are thus neither cops nor counsellors, they are officers of the court. As such, they are responsible for monitoring compliance with the demands of justice ensuring that the sentence of probation is carried out."⁹ The Fogel proponents propose that the discretion of probation officers should be limited to carrying out such sanctions imposed by the court, and that sanctions should be fully prescribed on a contractual basis. The Justice Model does not deny that the probationer should know what is expected of him and the consequences of his actions that there is an imbalance in the criminal justice system favouring the criminal over the victim. The Justice Model advocates the victims' involvement through restitution.

The probation and parole service has now found itself in what might be called the Responsibility Model or Reintegration Model. In essence, probation and parole is charged with providing services to offenders, in the hope that by so doing, they will become reintegrated into their communities.

Probation and parole is to provide these services, and since the medical model is dying, if dead, then staff must be deployed in different ways in order to accomplish the task. This may mean the continued use of team supervision as we presently know the term or the classification of offenders so that low-risk clients might have minimal reporting requirements. Ontario has been emphasizing programs and not individual casework for the last two years. This emphasis is coupled with a commitment not to expand the civil service.

What does the future hold? Fiscal restraints will continue. The days when all officers attempted to be caseworkers are over. Society will continue to be more concerned about

victims and their rights, the cost of crime, and its consequences. Probation officers are uniquely suited to offer solutions to the problem that communities now face and will face in the future when it comes to crime, crime prevention, and the aftermath of crime. Advocacy and expertise based on our experiences and our history of dealing with the whole spectrum of the criminal justice process must be recognized. Failure to do this will mean that we will have failed in our prime responsibility which is to reduce the impact and the incidence of crime.

FOOTNOTES

1. Taylor, Dickson E., **A Study of Adult Probation in Ontario**, Unpublished Master of Social Work Thesis, p.87.
2. Ibid., p.72.
3. **President's Commission on Law Enforcement and the Administration of Justice**: U.S. Government Printing Office, (1967), p. 29.
4. McFarlane, George G., **The Development of Probation Services in Ontario**, (Toronto: Attorney-General for Ontario, 1966), p. 81.
5. Outerbridge, R.W., **Handbook for Provincial Probation Officers**, (Toronto, 1965).
6. McFarlane, George G., **Probation Officer Occupational Monograph**, (Toronto: Dept. of Justice, Ontario Probation Services Branch, June 1971), p.1.
7. Dell-Apa, Frank, **Community Resource Management Team: An Innovation in Restructuring Probation & Parole**, Western Interstate Commission on Higher Education, (Boulder, 1978).
8. Nelson, Ohmart & Harlow, **Promising Strategies in Probation & Parole**, (Washington, Nov. 1978), p.35.
9. "A Swing to the Right", **Corrections Magazine**, Volume VII, No. 1, February 1981.



Michael Crowley is presently acting as Deputy Director, Community Resource Centres. He graduated from Syracuse University in Political Science and joined the Ministry of Correctional Services in 1973. Mr. Crowley has served as Executive Assistant to the Director of Probation and Parole services branch from 1979 to 1983, after spending six years as a probation and parole officer. He is married and has two children.

Prisoners' Rights and the Charter: Early Uses

— by Sam Campese and Pete Wuebbolt —

At the time of prisoners' rights received little attention during the discussions leading up to the adoption of the Canadian Charter of Rights and Freedoms, there were recently three cases brought before the courts by prisoners alleging infringement of their Charter rights by correctional officials or the government. These prisoners, through their legal counsel, wasted little time in bringing their grievances to the court. The courts, although willing to give the Charter prompt consideration, proceeded very cautiously. If generalizations may be drawn from these recent decisions, it appears that cases will be decided on technical distinctions, such as the distinction between inmates and non-inmates, and the courts will refer to common law jurisprudence for guidance, but will not feel bound to follow it.

In Collin et al. v. Kaplan et al., the applicants asked the court to issue an interlocutory injunction directing the

respondents not to authorize the double occupancy of cells in federal penitentiaries, particularly in the Leclerc Institution.¹ The applicant inmates alleged that their rights were directly and adversely affected by this type of occupancy, and that it would lead to a fall below the minimum acceptable standards for detention.² The respondents argued that they had restored the double occupancy of cells in medium-security institutions in order to handle a significant increase in the number of inmates. The respondents assured the applicants that it was to be a temporary measure and that it would be applied only to newly-arrived inmates.³

A United Nations Convention, ratified by Canada in 1955, was cited in favor of the applicants. The Convention states that all prisoners are to be provided with minimum standards in sleeping accommodation; overcrowding is to be avoided. The court concluded that this Convention could not be the basis for an interlocutory injunction because the applicants were unable to cite

any Canadian statute or Order-in-Council giving effect to it.⁴

The applicants then introduced an argument based on Section 12 of the Charter:

"Everyone has the right not to be subjected to any cruel and unusual treatment as punishment."

It was submitted that the double occupancy of cells breached the provisions of Section 12. The problem of over-crowding was recognized by all parties to the litigation, and the court said that however temporary the double occupancy of the cells might be, such a condition was not to be recommended.⁵ Yet, the court decided that in this case there was no cruel and unusual treatment or punishment against which the inmates were entitled to protection under Section 12 of the Charter.⁶

In reaching this conclusion, the court examined American jurisprudence for guidance. In Rhodes et al. v. Chapman et al., two prisoners who were placed in one cell in an Ohio prison obtained an injunction against the Governor of the State.⁷ This order, obtained in the district court, was affirmed by the Court of Appeals for the Sixth Circuit. The lower court based its decision on five considerations: the prisoners were serving long terms of imprisonment; the prison housed 38% more prisoners than its capacity; contemporary standards dictated a level of living space far above that which the inmates shared; the prisoner who was sharing occupancy would spend most of his time in the cell with his cell mate; and the prison had made double occupancy a practice, rather than a temporary condition.⁸ The Supreme Court of the United States reversed this decision. It attempted to define the phrase "cruel and unusual" and it reviewed the unfortunate conditions which existed in some American prisons. However, it pointed out that the United States Constitution did not mandate comfortable prisons. The Supreme Court conceded that the District Court might be right in finding that double occupancy in general caused serious hardship to

prisoners, but it held that cases were not decided in the abstract and the five considerations of the District Court were insufficient to support the injunction sought.⁹

The Canadian court hearing the case of Collins et al. v. Kaplan et al. stated it was not bound by any American decisions, but it did adopt the analysis found in Rhodes et al. v. Chapman et al. However, there were distinguishing factors: the Canadian prisoners were serving time in a medium-security institution and the double occupancy of their cells was to be temporary. These factors weakened the application of the American case.¹⁰

The court ultimately decided that the applicants had no "locus standi" in this matter (no standing upon which to bring the case), since they were inmates who had already been imprisoned, not inmates who had just arrived. The court did not exclude the possibility of further application for injunction by newly-arrived inmates who would be affected by double-occupancy.¹¹ As a matter of strict law, the court's opinion beyond the "locus standi" issue must be considered "obiter dicta", and so the Charter arguments have no binding effect on other courts. But, the case sets a good precedent in its willingness to consider Charter issues and arguments.

Prisoners' rights were also addressed in Re Maltby et al. and Attorney-General of Saskatchewan et al.¹² The applicants in this case were all remand inmates. Remand inmates remain in jail either because they are unable to post bail, they are refused bail, or they are held for the protection of the public pending their trial.¹³ They are presumed to be innocent until proven guilty at trial.¹⁴ By contrast, sentenced inmates are in a "settled" situation, already serving sentences. The status of each group is different, so different considerations apply.¹⁵ The distinction between remand inmates and sentenced inmates proved to be of vital importance to the disposition of the various complaints brought by the applicant remand inmates.

From the outset, any application of the

"hands-off" doctrine was dismissed by the court which said it had a duty to ensure that those who administered the system complied with the requirements of the Canadian Charter of Rights and Freedoms.¹⁶ The court stated that the judiciary usually refused to interfere with challenges to the administration of the system by the executive and legislative branches. However, the court found that it had a duty to ensure that the system complied with the Charter and that it was not under a duty to ensure that the system complied with the Charter in all cases.

The court then moved on to the specific complaints. The first complaint dealt with the exercise and activity facilities and programs which were provided for both the remand inmates and the sentenced inmates. The remand inmates argued that the sentenced inmates had better and more varied programs, including rehabilitation programs.¹⁹ The facilities and programs were examined in detail.²⁰ The court found that remand inmates spent short periods of time in the various provincial correctional centres, compared to sentenced inmates. The court also found that while the facilities and programs provided for the remand inmates were not as elaborate as those provided for the sentenced inmates, there were facilities and programs in existence. It was stated that remand inmates should not expect to receive the same rehabilitative treatment as sentenced inmates since remand inmates were presumed to be innocent and it was the sentenced inmates who faced punishment, deterrence and rehabilitation measures. In the opinion of the court, what the remand inmates complained of did not constitute cruel and unusual treatment or punishment under Section 12 of the Charter.²¹ The court stated that as long as a particular condition or restriction of pre-trial detention was reasonably related to a legitimate government objective, it did not amount to punishment.²²

The use of handcuffs and shackles formed the basis of the applicant remand inmates' second complaint. Some of the applicants when they were taken to medical facilities away from the correctional centre, had their hands handcuffed behind their backs and their legs put in shackles.²³ These inmates swore that they had never been charged with escaping or attempting to escape lawful custody; but it was clear that the court did not rely on their sworn testimony concerning their past record. The court felt that in some circumstances, where the inmate's record indicated that he posed a security risk, handcuffs and shackles were necessary for travel outside the correctional centre.²⁴ However, if there was no valid reason for the use of handcuffs and shackles and they were used, the court stated that this would constitute cruel and unusual treatment or punishment contrary to Section 12 of the Charter. It was decided that there was no basis for concluding that remand inmates were a lesser security risk than convicted and sentenced inmates.²⁵

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The correctional centre against which this complaint was brought showed that it employed a routine procedure when deciding to use handcuffs and shackles. Factors such as the inmate's security rating and the inmate's present and past offences, with particular attention to

escapes and violence, were considered. Physical restraints were never used as a form of punishment.²⁶ The court endorsed this procedure and declared that prison officials should be given wide-ranging powers in the adoption of policies and practices necessary for the preservation of internal order and institutional security.²⁷

The third complaint brought by the applicants related to strip searches imposed upon remand inmates after their return from visits outside the institution. These searches were objected to on the basis of Sections 7 and 8 of the Charter. Section 7 states: "Everyone has the right to be secure against unreasonable search and seizure". The court dismissed this complaint because it found that strip searches were designed to prevent and control drugs or weapons from entering the institution. The court cited the American case of Bell v. Wolfish, which held that only unreasonable searches were prohibited by the Fourth Amendment.²⁸ Reasonableness, in each case, required a balancing of the need for the particular search against the invasion of personal rights that the search entailed.²⁹ The court reviewing the case at hand concluded that strip searches were "no more than a minimum reasonable requirement".³⁰

Visitation privileges were the subject of the fourth complaint. Visiting facilities at the correctional centre consisted of a small room with glass windows, which enabled officials to have a clear view of the room; and a family visiting unit, used exclusively by reliable sentenced inmates and their families.³¹ The applicant remand inmates argued that the visitation conditions breached the freedom of expression and the freedom of association provisions found in Section 2 of the Charter. The court held that the Charter had not been breached. Instead, the limitations imposed on visits were found to be reasonable limits prescribed by law, as stated in Section 2 of the Charter.³² Only reliable sentenced inmates serving long term sentences were given access to the family visiting unit, and in the opinion of the court, this was rightly so.³³ Remand inmates stayed only a short time, so access to the unit would serve little purpose and would not give the staff sufficient time to



assess the inmates reliability.³⁴ The court found nothing wrong with the facilities, and the same visiting conditions were applied to both remand and sentenced inmates. As a matter of policy, direct personal contact between inmates and private citizens was permitted. Business and professional visits were also permitted. The applicants' argument, that they should be able to see who they want, when they want, was, in the opinion of the court, untenable. The restrictions imposed were found to be incidental to the legitimate government goal of security. Once again, the court was willing to yield to the expertise of the prison officials in this matter.³⁵

The fifth complaint was grounded on the applicants' objections to the telephone and mail procedures used in the correctional centre. The applicants said that they had

been prevented from telephoning the press and the office of the Provincial Ombudsman, and they felt that 15 to 20 minutes calls for personal reasons per day was not enough. They submitted that this amounted to a violation of their rights guaranteed by Section 2 of the Charter.³⁶ Incoming mail was opened by the staff in the inmate's living unit while money, cheques, personal effects and their band were removed and the inmate was given a receipt. Mail from the government, a newspaper or the Correctional Service was not to be opened by the staff and no one on staff was permitted to open mail going to the inmate. If the inmate was satisfied with the mail, he would have contacted the staff by telephone or in person. If the inmate failed to show up for his mail, it would be served by the staff. They had simply accepted the limits under

the Charter on the right of religious freedom. The Charter guaranteed by Section 28 that the Charter. Some inmates complained that they had to see clergymen for religious services always granted, and the religious facilities were adequate.³⁹ The court did not find the correctional centre's religious program to be lacking. A Chaplain worked in the centre nearly every day. Church services for inmates living in the normal living units were given in the chapel every Sunday. Church services for inmates in the remand and security units were held in their units. Meetings with the chaplain and other clergymen were easily arranged, as were other kinds of services. It was true that not all inmates had access to the chapel service, but this was for security reasons. Only the sentenced inmates with the best security rating were accorded this privilege.⁴⁰ The court held that religious programs at the correctional centre were not excellent, but they did allow for freedom of conscience and religion, within reasonable limits under the circumstances.⁴¹

The applicants succeeded with their seventh complaint which related to the right to vote. Some of the remand inmates, who wished to vote in a provincial

election, requested that the correctional centre take them to a polling booth. This request was refused, and the applicants believed that their right to vote, as guaranteed by Section 3 of the Charter, had been violated.⁴² Section 3 states: "Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein." Under Section 27 of Saskatchewan's Election Act, prisoners in jail or persons under-going punishment for a criminal offence are disqualified from voting. Remand inmates, then, are not disqualified from voting under the provincial Election Act.

The applicant remand inmates had a good case, even without using the Charter, because the provincial legislation did not prohibit them from voting. However, the court had trouble on this point. The court said that while the provincial Election Act did not prohibit remand inmates from voting, it did not provide a mechanism whereby prison officials could permit them to vote. This was a matter for the legislators, said the court.⁴³ It was held that the applicants' right to vote had not been violated. The court found that while the correctional centre's officials could not assist the applicants in their right to vote because the provincial Election Act did not provide for such a mechanism, recourse could certainly be had to the other named respondents who were the elected representatives of the people in the legislature and the Ministers of the Crown.⁴⁴ It remained unclear whether the court had come to this conclusion on any Charter argument or not.

The right to vote was an issue in Re Reynolds and Attorney-General of British Columbia.⁴⁵ Reynolds had been convicted of causing bodily harm with intent to wound. He was sentenced to 18 months' imprisonment, plus two years' probation following that imprisonment. After serving his term of imprisonment, and while on probation, Reynolds indicated his wish to vote and run as a candidate in the next provincial election. The Vancouver Register of Voters advised Reynolds that because he had been convicted of an

indictable offence and because he was presently on probation, he was disqualified from voting by Section 3(1)(b) of British Columbia's Election Act.⁴⁶ Reynolds claimed that Section 3(1)(b) of the Election Act was invalid because it violated his democratic rights guaranteed under Section 3 of the Charter. Counsel for British Columbia's Attorney-General conceded that there was a clear conflict between the Charter and the Election Act. Counsel contended, however, that the disqualification imposed by the Election Act was a reasonable limit prescribed by law which could be justified in a free and democratic society, as provided for in Section 1 of the Charter. Counsel submitted that the legitimate purpose of the legislation in this case was to protect the provincial franchise. But, he was unable to show, to the satisfaction of the court, how allowing Reynolds, and others like him, to vote would harm the "provincial franchise".⁴⁷

The court examined legislation outside British Columbia and found that British Columbia was the only Canadian jurisdiction where some probationers were denied the right to vote. Reynolds could vote in a federal election or in an election in any other Canadian province.⁴⁸ The court examined the United States Supreme Court decision in Richardson v. Ramirez et al.⁴⁹ and concluded that in the United States the disenfranchisement of convicted felons had been upheld, not because of its reasonableness, but because a specific

provision in the United States Constitution permitted it.⁵⁰

The court was not persuaded that there was any public benefit for prohibiting a person not in custody, but on probation, from being registered as a voter or from voting in a provincial election. The democratic process had not been impaired in the Canadian jurisdictions where probationers were allowed to vote.⁵¹ Reynolds succeeded. Section 3(1)(b) of the Election Act was held to be inconsistent with the provisions of the Charter. To the extent that it prohibited probationers from voting, it was of no force or effect.⁵² The court carefully limited its decision to persons who had completed their terms of imprisonment and were completing probation. In the court's opinion, there were many practical reasons why a prisoner in custody should not be entitled to vote, even while keeping in mind that Quebec allows its prisoners to vote.⁵³

There are at least two points to remember about these three cases. First, all three were decided on the precise facts presented. The courts indicated that remand inmates might be treated differently from sentenced inmates and sentenced inmates in custody might be treated differently from probationers. Second, none of the cases, at the time of this writing, were decisions of the Supreme Court of Canada. Most of the great developments on the Charter will likely come in the Supreme Court of Canada.

FOOTNOTES

1. Collin et al. v. Kaplan et al. (1983), 143 D.L.R. (3d) 121 (Fed. Ct. T.D.)
2. Ibid., p. 122
3. Ibid.
4. Ibid., p. 123
5. Ibid.
6. Ibid., p. 124
7. Rhodes et al. v. Chapman et al. (1981), 69 L. Ed. (2d) 59; 101 S. Ct. 2392
8. Supra, note 1 at p. 124

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9. Ibid., p. 125
 10. Ibid.
 11. Ibid., p. 126
 12. Re Malins et al. and Attorney-General of Saskatchewan et al. (1983), 143 D.L.R. (3d) 649 (Sask. Q.B.)
 13. Ibid., p. 654
 14. Ibid.
 15. Ibid.
 16. Ibid.
 17. Ibid., p. 655
 18. Ibid.
 19. Ibid., p. 656
 20. Ibid.
 21. Ibid.
 22. Ibid.
 23. Ibid.
 24. Ibid., p. 6
 25. Ibid.
 26. Ibid.
 27. Ibid., p. 660
 28. Bell et al. v. Wolfish et al. (1979), 441 U.S. 520
 29. Ibid., p. 558
 30. Supra, note 12 at p. 661
 31. Ibid.
 32. Ibid., p. 664
 33. Ibid., p. 662
 34. Ibid.
 35. Ibid., p. 664
 36. Ibid.
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37. Ibid., p. 665
38. Ibid., p. 666
39. Ibid.
40. Ibid., p. 667
41. Ibid., p. 668
42. Ibid.
43. Ibid., p. 669
44. Ibid., p. 670
45. Re Reynolds and Attorney-General of British Columbia (1983), 143 D.L (3d) 365 (B.C. S.C.)
46. Ibid., p. 366
47. Ibid., p. 367
48. Ibid.
49. Richardson v. Ramirez et al. (1974), 41 L. Ed. (2d) 551
50. Supra, note 45 at p. 368
51. Ibid., p. 369
52. Ibid., p. 370
53. Ibid., p. 369



In 1981 Mr. Campese graduated from the University of Toronto with a major in criminology. He is currently in his third year of law at Osgoode Hall Law School. Mr. Campese spent the summers of 1982 and 1983 as a researcher for the Ministry of Correctional Services. He enjoys sports, especially hockey and soccer.

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Targeting in on_____

Media Relations

The following is the text of an address given by the author at the 111th Congress of Correction of the American Correctional Association, Miami Beach, Florida. August 16, 1981.

When I joined the probation service 14 years ago, I must confess that I knew very little about what probation officers did. I was more familiar with the functions of police and prisons, as these agencies had managed to secure sufficient media coverage that made me, as a citizen, more aware of their activities.

It is true that not all of the publicity received by these agencies was positive but there were editorials and human interest stories that presented a favorable image of police and prison officers. During the past five years I have become increasingly interested in how probation agencies can receive more media coverage. This has led me to consider how news is made.

The issue of the manufacture of a media image for probation service is an interesting and enthralling subject. How can we promote a pro-active media coverage of community corrections? What will be the implications of seeking media coverage? How prepared are we to involve ourselves in the manufacture of a media image? Can we accept the need for public relations activity? How do we feel about advertising and publicity?

It is my intention to look at some of these questions and to propose certain strategies for your consideration.

My remarks must be seen in the context of the age we live in. It is clearly an age in which the most powerful and persuasive forces affecting public opinions, perceptions and attitudes are the public relations industry and the media.

I wish to make the following four points about promoting a media image.

1. Measuring the media image.
2. Making the media image.
3. Marketing the media image.
4. Maintaining the media image.

First, then, let us consider how we can measure the quality and quantity of our media image. There are a number of methods that could be utilized. Two of the most useful strategies are, content analysis of local newspapers and opinion polls in malls.

Content analysis of local newspapers help to establish how much exposure you are receiving and of what type. The following chart illustrated the use of this method.

Newspaper and Date	Feature News Articles Reports	Editorials	Letters to Editor	No. of Major Columns	Positive	Negative
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To do this select a time period that you wish to analyse and collect all references in the newspaper or newspapers in your locale to the agency or agency's programmes.

In most cases you will probably find few references of the type you desire to see. This of course, will be an indication of your need for promotion!

The second method that could be attempted is the opinion poll. The poll can be taken in local malls or shopping areas. A brief questionnaire that asks shoppers to answer whether or not they know about your agency and what types of work your agency performs. The questionnaire could look like the following sample.

Opinion Questionnaire

- | | | |
|---|-------------|-----------------|
| 1. Do you know what probation means? | Yes _____ | No _____ |
| 2. Do you think probation for offenders is too lenient? | Yes _____ | No _____ |
| 3. Where is the local probation office? | Known _____ | Not Known _____ |

4. Are you in favor of restitution Yes _____ No _____
5. Do you think victims of crime are neglected? Yes _____ No _____

The above is only a sample and you would create the questions in keeping with the objectives to be known.

These methods can be used after an extensive promotional campaign to measure the impact of these various impact.

The media image relates to making the media image. It is difficult for most people to realize that news and media images are, in fact manufactured and controlled by the major task of the public relations and advertising industries. There has been, traditionally, a method for achieving public policy through the media. Our title suggests we need to be proactive in our promotion of a positive image for probation and community corrections.

making media impact in the development of "Crime and Justice in the

Onto Globe and Mail of July 15, 1981, and in an editorial in the 1981. Community attitudes towards criminal justice system were surveyed in research studies conducted across Canada by different research groups. The public is "satisfied with the work of police and the courts and well down on people's list of complaints".

Canadians are more tolerant towards non-violent criminal offenders than violent criminals and minor offenders against property should not go to prison. This attitude towards the criminal justice system and public tolerance for corrections and employment programs within prisons, including probation, are supported by the public.

To support this support and to focus on the criminal justice system as a system working together, Crime and Justice Weeks involving the coordination of the courts, the crown attorney, the defence bar, the police and correctional agencies should be encouraged in moral and financial support.

In the past year or so, several communities have undertaken community awareness weeks highlighting the criminal justice system. These include Kitchener, Hamilton, Mississauga and Belleville. In Kitchener, for example, the police, all levels of government, the courts, the crown attorneys, the defence bar, correctional agencies both public and private all joined in a single purpose of consciousness-raising and community education in support of the justice system. Attached is a brochure which outlines the various activities of Crime and Justice Week in Kitchener. This was a successful community education program that should be considered for replication throughout the Province in bringing together the components of the justice system to discuss various problems associated with crime and crime prevention, and victims and offenders.

Other strategies that have been utilized successfully are:

- cable presentations and public broadcasts
- public displays in shopping malls and fall fairs
- public meetings and workshops
- open houses at probation offices

-
- volunteer recognition banquets and appreciation events
 - news releases
 - stories and articles in local press
 - public school presentations
 - service club presentations
 - organized tours of court, and institutional facilities
 - floats in local parades
 - slide and sound shows
 - produce correctional journal

All of the above projects have a way of feeding on each other and can be used to amplify the media coverage desired.

The next major activity is learning how to market projects and ideas that you design. Marketing is the performance of activities connected to the movement of goods or services from producers to users. It is a pervasive societal activity that involves managing the exchange relationship between organizations and clients.

It is important that we develop a marketing plan which is basically asking what, where, when, how? A good market plan is based on market research. Define in the widest possible manner, the business you conduct. Use language the public will understand. Who are your customers? What are you doing for them and what do you get in return? What is your image of your service? What are the images your clients have of your service?

In a marketing campaign you have to accomplish three things:

1. Penetrate the peoples' awareness
2. Prepare peoples' appreciation
3. Provide details for peoples' understanding.

You cannot go to understanding without awareness and appreciation. The major task of marketing the image you choose is to move people through awareness to understanding.

The last point I wish to make is on maintaining the media image presented. The techniques mentioned under measuring the image can be used as a post-test of the impact of your campaign. Also you will have opened up opportunities for ongoing relationships with the local press and other media personnel that should be of advantage to your agency.

Beware of "one-shot" attempts! It is steady, methodical and progressive action that keeps your agency in the public eye! Remember the tortoise and hare!

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of the American Probation & Parole Association and on the Program Committees of the American Correctional Association and the International Half-Way House Association.



And Furthermore:

"You know," said the probation officer II (P.O. II) "I have discovered something. When you set up a unit in a small office and use it to run your volunteer program, you get all kinds of beneficial by-products you never thought you would get."

"Like what," said I.

"Like," he said, "you get ideas given to you; you get suggestions, you get fresh insights, you get the benefit of immense local knowledge, contact and influence, and most important, you get a solid nucleus of knowledgeable, sympathetic loyal allies, and supporters. Probation gets to be known in the community instead of being out of sight as it once was."

"I agree with you," I said.

by Michael T. Healy

"Whilst we have prisons, it matters little
which of us occupy the cells."

George Bernard Shaw
(1856-1950)

"Law is born from despair of human nature."

Ortega Y. Gasset

"It is better to risk saving a guilty person than
to condemn an innocent one."

Francois Marie Arouet
(Voltaire 1695 - 1778)

"The criminal is prevented, by the very
witnessing of the legal process, from regarding
his deed as intrinsically evil."

Friedrich Wilhelm Nietzsche
(1844-1900)

"Law cannot persuade where it cannot punish."

Thomas Fuller (1608-1661)

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Correctional Options

Volume Four — 1984



Ontario

Ministry of
Correctional
Services



With this issue, **correctional OPTIONS** expands its scope. Our previous mandate had been principally to give expression to the many options offered through community-based programs. Further reflection has brought about the realization that such an approach is limiting. It overlooks the variety of worthwhile programs offered by institutions, and other parts of the correctional system. Expanding our mandate to give coverage to these programs will, therefore, be of benefit to all parties.

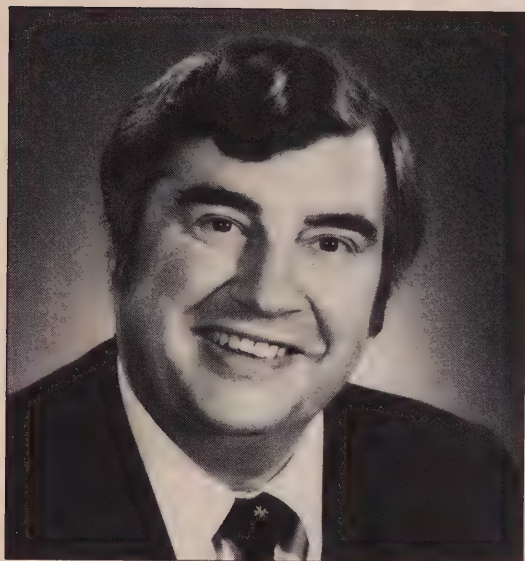
One thing that will not change is our commitment to excellence in both the style and the substance of the articles we publish. Our goal is to stimulate new directions in the management of the offender. The history of corrections is full of inappropriate or failed attempts at intervention. To a large extent this state of affairs was a result of a lack of adequate philosophical and theoretical debate. It is our hope that such mistakes can be avoided in the future by providing an appropriate forum for the discussion of new ideas, and the debate of theoretical and philosophical issues.

It is also our intent to ensure that articles appearing in our pages are written in a clear and lively style, capable of engaging the interest of a wide range of readers while at the same time conveying the intentions of our authors. We encourage you to reprint, photocopy and distribute any articles from this journal and we welcome your comments and critiques.

EDITORIAL BOARD: Tom Anderson, Carl Aspler, Andy Birkenmayer, Velma Carter, Judy Drybrough, Paul Gendreau, Don Kerr, John O’Gorman, Don Page, Dennis Phillipson, Bill Tilden.

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Minister's Message

The year 1984 has been a significant one for the citizens of Ontario. Not only have we celebrated the province's Bicentennial through hundreds of local community events but we have been honoured by visits from Queen Elizabeth II and Pope John Paul II.

These historic events have given many of us the opportunity to contemplate our rich heritage. We realize that we can look to a future as rich in achievements as our past has been if we are willing to learn from our successes and failures, maintain our values and remain open to new ideas.

The 1984 edition of **correctional OPTIONS** attempts to reflect this spirit of quiet pride and an optimistic outlook for the future. The year 1984 also featured a major shift in emphasis taken by the ministry under a major reorganization. By integrating the community programs area with the institutions area, the ministry has put into place a corrections continuum that maximizes its ability to respond to regional needs and local requirements in keeping with its overall goals and objectives. In developing this integrated regional structure, the ministry hopes to increase its ability to respond to the changing needs of its client population and to help address the complex issues facing those in the field of corrections today.

You will find that the editorial policy of **correctional OPTIONS** has been rewritten to reflect this integrated approach. In its revised version, this journal will give expression to a wider range of "options" while underlining the need for integration of institutional and community programs within correctional organizations. Moreover, the articles in this issue are particularly suitable to this period in our history. Not only do we have new light shed on the origins of our systems of jails; a system which goes back to the very beginning of our province's history, but we have articles describing innovative programs developed within our ministry and articles providing a critical analysis of some of our existing programs. It is through this critical analysis that we can improve our programs, increase our success rate and offer realistic hope that we may reduce recidivism.

It is hoped that **correctional OPTIONS** will become a forum to stimulate debate, share ideas and address the issues facing us in the field of corrections. In this way, we can learn from the past, share our present and prepare for a challenging future.

The Honourable Nicholas G. Leluk
Minister of Correctional Services

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OPTIONS

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From jails to penitentiary: The demise of community corrections in early Ontario

by Dr. Peter Oliver

Rich sources exist for the study of jails of Upper Canada but few scholars have utilized them. One reason for this is that writing about the penitentiary has dominated historical concerns in this field for almost a generation. This is understandable because the jails seem to belong to some remote pre-industrial past while the penitentiary reflected the needs of modern industrial societies.

The first question the historian must ask, then, before turning to a study of the jails, is what, if any, significant theoretical or analytic issues can be illuminated by examining such apparently archaic institutions?

In Part 1 of what follows, I endeavour to relate my interest in Upper Canadian jails to some of the outstanding international literature which has served to focus our concerns on the penitentiary era. In Part 2, I build on this by offering an introduction to some aspects of how the Upper Canadian criminal justice system functioned in practice prior to the erection in 1835 of Kingston Penitentiary. Finally, I conclude that the pre-penitentiary system may be far more interesting and even theoretically fruitful for students of correctional history than most of the recent scholarly literature suggests.

Part 1

In the past decade, historical writing about penal issues has been dominated by one exciting theme: the "discovery" or "invention" in the early 19th century of the penitentiary. In the United States and Western Europe in particular, we are told great edifices were constructed in large numbers in the period from about 1815 to 1840 to hold criminals sentenced to long-term confinement. Earlier forms of punishment, as is well known, seldom included imprisonment in an institution. Instead, a variety of punishments were inflicted on convicted persons including execution (by the end of the 18th century in Britain there were

about 200 capital offences), whipping, branding, fines, the stocks and the pillory.

In his valuable study, *Crime and Law Enforcement in the Colony of New York 1691-1776* (1974), Douglas Greenberg, who studied thousands of cases, could find only 19 instances for the entire century in which individuals received a prison term as punishment for the commission of a crime. "Jails had a different function than they do today," Greenberg confirms. "They were devoted, almost exclusively, to holding prisoners awaiting trial."

Large-sized institutions did exist of course, but they were far fewer in number than in the 19th century, and they had a far more limited function. The large prisons and almshouses of the 18th century were essentially holding facilities, in this respect very much like the jails, and they did not pretend to be able to change or rehabilitate anyone.

This is why the work of such scholars as David Rothman, *The Discovery of the Asylum* (1971), Gerald Grob, *Mental Institutions in America* (1973), and Michael Ignatieff, *A Just Measure of Pain, The Penitentiary in the Industrial Revolution 1750-1850* (1978) has created such an intellectual stir. The above books all argue convincingly that the huge new facilities built in the early 19th century to house the ill, the poor and the indigent represented a radical break from past practices. No longer, for example, were the mentally ill to be placed in private homes or in small local jails; no more could criminals expect the speedy if harsh punishments provided for by the "bloody codes" of the 18th century, with their excess of harsh physical punishments, including whipping and branding, and numerous trivial offences which carried the death penalty. Such practices had come to be regarded as brutal, inhumane and, above all, ineffective. The work of Enlightenment thinkers from Beccaria and Montesquieu to the Jeremy Bentham of the Panopticon, and of such religiously-inspired humanitarians as John Howard and Elizabeth Fry,

effectively destroyed a penal system which had evolved over centuries and replaced it with one grand and all-encompassing new idea: the total institution.

Although the total institution emerged from a complex and curious mix of Enlightenment rationalism and religious reformism, these two diverse streams merged in what, for a few brief decades, seemed to be a marvellously hopeful approach to dealing with deviant behaviour. Out of the failures of the bloody code, with its barbaric penalties, its internal contradictions, its brutalizing effect on entire populations, and, not least, the refusal of juries to convict even when faced with the clearest evidence of guilt, came an urgent imperative to discover a better way.

A shift occurred away from a harsh theology which linked crime with original sin. This older view held out little hope for sincere repentance. The movement to a more evangelical faith with its prospect of conversion and God's saving grace brought with it a new optimism that criminals, too, might repent. When this was linked to the thorough-going environmentalism of Enlightenment thought, with its interest in the systematic study of human behaviour and its conviction that altered environments could create altered individuals, the prospect existed, perhaps for the first time, of not only rehabilitating criminals, but of changing the habits of a wide range of deviant populations — and perhaps even remoulding human nature itself.

This conviction about the malleable character of human nature led, it has been argued, to a radically new attitude to the function of penal institutions. Previously, little thought had been given to either the architectural structure or the internal regimen of jails and prisons. So long as their purpose was simply to hold individuals for brief periods of time prior to punishment, it hardly mattered what form or shape they took or what went on within their walls.

Similarly, so long as few believed in the possibility of rehabilitation, criminal codes would deal only in punishment and deterrence. Now all that was changed, but the new hopefulness placed great demands on law-makers and prison administrators. Now they had to build jails and prisons which would be planned and administered so as to give effect to the new ideology of rehabilitation. The burden that these beliefs placed on prison administrators in the years ahead became so heavy as to be almost unbearable.

By the middle of the 19th century, with the conversion of the rehabilitative institution into a more purely custodial facility, and with the emergence of punishments within its walls at least as brutal as the terrors of the bloody code, including not only the frequent use of corporal punishment, but also such additional psychologically onerous penalties as longer sentences and solitary confinement, wardens and administrators were beginning to face the consequences of defeat.

In the meantime, however, in conformity with criteria developed as part of the original reform program, penal officials had made a heroic effort to implement the rehabilitative regime. As its cornerstone there existed the concept of moral architecture. This was the idea, widely shared, that the new jails and the prisons could be so designed and constructed as to allow a

relatively small staff to regulate and supervise every detail of the life of each prisoner. Gone forever were the informality and chaotic arrangements of the earlier jails, the mixing of inmates in corridors, the ready access to the world outside, the babble of tongues, the conviviality, and the idleness in which prisoners passed their time. To achieve rehabilitation the new penitentiary separated prisoners from each other, imposed labor, inculcated religion and moral precepts and structured every moment of the inmate's existence.

The work of Rothman, Ignatieff and the others has dominated the field not only because it has been able to demonstrate how completely the new approach broke from past practices, but because it placed the study of the penitentiary and its sister institutions, the poor house and the asylum, in the context of early industrialism and the evolving capitalist system. Rothman, for example, suggests that in Jacksonian America, a growing social disorder seemed strange and threatening to middle class Americans and they seized upon institutions such as the asylum and the penitentiary as the means of restoring communal order. Even more directly, Ignatieff finds that the penitentiary with its systems of discipline, control, and increasingly, centralized administration, represented a use of the state's authority which

reflected and served the needs of industrial capitalism.

While the several authors who deal with this theme differ among themselves when they try to assess the full significance of the total institution — Grob, for example, is eclectic in his analysis and is far less wedded to theories of "social control" than some others are — there is agreement, nonetheless, on several critical points. Somehow, it is clear, the shift from the older forms of punishment and deterrence to the new reliance on moral architecture and on the total institution were intimately and immediately related to capitalist needs and industrial growth. The new institutionalization which loomed so large was part of the process of change and modernization, however murky its moral mandate may have been. As Ignatieff expresses it, the appeal of the penitentiary rested not merely on its alleged capacity to control crime but on a larger social need.

It had appeal because the reformers succeeded in presenting it as a response, not merely to crime, but to the whole social crisis of a period, and as part of a larger strategy of political, social, and legal reform designed to re-establish order on a new foundation.²

As I began my own work, then, which is an effort to write a history of forms of punishment, deterrence and rehabili-



Kingston Penitentiary opened in 1835 and was known as the provincial penitentiary.

tation in Ontario, I was keenly aware of the above literature and found it quite compelling. To test some of the theories and conclusions of Rothman, Ignatieff and others by reference to what occurred in Ontario between the 1830s and the 1860s seemed an essential exercise. This, of course, was the period in which Kingston Penitentiary was established, fell into considerable disrepute and then, it seemed, emerged in the 1850s to become a reasonably well run, if essentially custodial, institution. My working assumption was that the jails of Upper Canada, while they might have considerable inherent interest, were hardly at the cutting edge of 19th century social change. They were remnants of an earlier, more agrarian economic order, not the emerging industrial society. To be sure, the jails would survive as an institution, because localism and decentralization survived; but their study did not seem likely to yield significant analytical conclusions or to offer theoretical insights which would prove valuable to the rest of my research.

In line with this was the perspective on the jails offered in the 1831 *Report of the Select Committee on the Expediency of Erecting a Penitentiary* which was presented to the legislative assembly of Upper Canada by H.C. Thomson.³ This document was enthusiastic about the improvements which might be achieved if a penitentiary were erected in Upper Canada; not surprisingly, it was scathing in its condemnation of existing forms of punishment and was especially vitriolic about the jails. It cited at length the views of an unnamed expert who found fault with the Upper Canadian status quo. Fines were held to be "in their very nature unjust" because the statute under which they were inflicted made no reference to the means of the offender. Corporal punishment, he argued, "has been by many deemed improper as being degrading." Banishing from the province he found "so nonsensical that nothing need be said on the subject, it is no punishment to a rogue to order him to live on the right bank of the Niagara River instead of the left . . ." This person's most fervent denunciations were reserved for the common jails. "Gaols, managed as most of ours are, as Lord Brougham well remarks, are seminaries kept at the public expense for the purpose of instructing His Majesty's subjects in vice and immorality, and for the propagation and increase of crime." Imprisonment in the common jails, Thomson's expert insisted, was "inexpedient and pernicious in the extreme" because of the lack of classification and separation of prisoners.

Arguably, most historians have at least tacitly accepted the truth of this and other contemporary judgments about Upper Canada's jails. By the

mid-1830s they had been condemned by numerous grand juries, by the judges of the Court of King's Bench and even by the Colonial Office; and perhaps as a result they suffered the ignominious fate not only of being replaced by Kingston Penitentiary as the focus of the colony's penal system, but of being neglected almost totally by later historians. This emphasis is not surprising when one discovers in such a useful monograph as Patricia O'Brien's study of prisons in 19th century France the assertion that the penitentiary advocates fully expected the new institution to lead to the elimination of all crime.⁴ The jails could never pretend to such a utopian vision.

"... as early as 1837 the inspectors of the institution were expressing grave reservations about its potential to rehabilitate criminals . . ."

Gradually as my research progressed, this emphasis on the penitentiary, its claims to modernity, its utopian vision, and, most of all, its hold on the historical imagination of later scholars, began to seem more than a little suspect. My own work on the penitentiary revealed that as early as 1837 the inspectors of the institution were expressing grave reservations about its potential to rehabilitate criminals; and no one in Upper Canada, to be sure, ever claimed that the new institution might somehow eliminate crime.⁵ Was there indeed any evidence to indicate whether Upper Canadians had ever accepted the claims made by a few penitentiary propagandists about the abject failure of the range of punishments then in use in the colony? Had the grand juries and King's Bench judges in their condemnations of conditions in the jails urged the overthrow of the system or merely its reform? Was it possible that criminal justice in pre-penitentiary Upper Canada had worked more effectively than we had hitherto realized? Might the post-1835 domination of the system by the penitentiary, with its long sentences, frequent brutal use of corporal and other punishments for disciplinary purposes, and, above all, its psychological and physical regimentation of the convict population, have occurred for reasons entirely separate from the alleged failure of earlier approaches? Were there, finally, elements of what had existed before the triumph of the penitentiary which had worked reasonably well and might have

offered positive and creative alternatives to the custodial and oppressive penitentiary system which so dominated American and European thought by the middle of the 19th century?

As one begins to look again at what preceded the penitentiary, what is striking is the total contrast between Kingston Penitentiary and the old jails.

The jails were local institutions, paid for and administered by local officials. They were so much part of the local communities that officials frequently complained, as did the *Home District* magistrates in 1834, that it was "next to impossible" to prevent the townspeople from passing articles into the jail at night because "the front windows of the building open directly on the street and there is not even a fence to keep persons from approaching close to the walls whenever they please."⁶ Visitors could come for most of every day. Prisoners could read, eat and lounge about at will. These were congregate institutions and contained large numbers of debtors, the mentally ill and the merely poor. They often placed those charged and those convicted side by side. In these circumstances, there was little opportunity for prisoners to feel that they had become part of a "criminal class", particularly since they usually wore their own clothes, often provided their own food, and seldom were incarcerated for as long as a year.

Classification, discipline, order, segregation from the community, the rule of silence, the inculcation of religion and morality — these were the fundamentals of the penitentiary and absent in every respect from Upper Canadian jails. Was it possible, then, that the jails in the sense that they were just about everything which the penitentiary was not, might offer insights and alternatives of value to the student of contemporary corrections?

Another consideration is equally intriguing. Why was the function of jails so different in colonial New York, where almost no convicted persons went to jail for punishment, and colonial Ontario, where almost everyone did? The prevalence of jail imprisonment as punishment is confirmed by reference to the circuit reports of Upper Canadian High Court judges. In 1816, for example, Judge William Campbell reported on all prosecutions at the Eastern Circuit Assizes. At these assizes, 16 individuals were found guilty of offences and three were sentenced to be hanged. One individual, convicted of manslaughter, was burned in the hand, then discharged. Another man was fined £20, to be imprisoned until the fine was paid; thus he need not have gone to jail at all. Another was sentenced to six months in jail. The remaining 10 persons received a jail sentence and either a whipping or a fine. Six received jail and a fine, four



"When Elliott Buck in 1835 was sentenced to the pillory, he appealed to the governor on the grounds that his sense of shame would be so great that 'if I have to stand as a public example I must leave the country and fly to some distant place'."

received jail and a whipping. Three of the whippings were to be 39 lashes, one did not specify. The longest term of imprisonment Campbell handed down was for six months. Other circuit reports selected at random show a similar inclination to impose a jail sentence and very frequently to combine it with a fine, whipping, pillory or banishment.⁷

The contrast between Greenberg's findings for colonial New York and the situation in Upper Canada is so striking as to demand an explanation. For the American experience, Rothman argues that so long as a theological explanation of the causes of crime prevailed, Americans had remained sceptical about achieving rehabilitation. By the early 19th century, however, (but before the discovery of the penitentiary), jails assumed a different role in American society. Spurred on by anti-British

sentiments during the Revolution as well as by several currents of Enlightenment thought, citizens of the new Republic became persuaded that the bloody codes imported from Britain had given rise to a spirit of vindictiveness and revenge and even contributed to the spread of lawlessness. As a consequence, most states by the end of the first decade of the 19th century had amended their criminal laws, limiting capital punishment to a relatively few offences and replacing some of the more barbaric physical punishments with brief terms of incarceration.⁸

This spirit of reform was reflected in Upper Canada in the statute of 1800 which moved against such forms of punishment as burning in the hand as generally ineffectual and tending to bring "disgrace and infamy" on some who might otherwise become good citizens. This movement culminated in

the statute of 1833 which reduced to 12 the number of capital offences.⁹ These changes, Rothman emphasizes, which saw periods of imprisonment commonly being imposed on prisoners, did not, however, lead to any improvement in jail conditions or to the establishment of any systematic jail discipline. A revulsion from the gallows, he indicates, "rather than any faith in the penitentiary" spurred this period of reform. The reformers, "hardly imagined that life inside the prison might rehabilitate the criminal . . ." The fact of imprisonment, not its internal routine, was of chief importance.¹⁰ This statement applies as equally to the jails of Upper Canada as to those in the United States and it is to Upper Canadian practices that we now turn.

Part 2

Let us look more closely at how the criminal justice system worked in Upper Canada. The judges had considerable choice in imposing sentence and after sentencing, in part, because of the existence of an elaborate system which allowed and encouraged prisoners to appeal for executive clemency against the original sentence. The appeal system became highly developed because of the large number of capital crimes for which it was intended that the extreme penalty should seldom be exacted. The petition procedure allowed considerable flexibility in other respects as well.

In an era in which jails were often flimsy structures and escapes frequent, the need to appeal against a whipping or a fine was likely to induce good behaviour on the part of hopeful prisoners. Equally, judges in Upper Canada functioned without much information about the person being sentenced. The certainty that many prisoners would submit appeals provided those responsible for the administration of criminal justice with welcome opportunities to reassess original judgments.

It was well that this process existed and was used extensively, for even the briefest of jail sentences occasioned great hardship and suffering to prisoners and to their families. In 1816, for example, a prisoner in the Gore District Jail asserted that "there is not a sufficient succour or nourishment for my poor bereft family, which adds to my other troubles more than I can bear." Another prisoner, sentenced to only a month, pleaded for his release after 11 days because "his innocent (sic) children are the real sufferers, in as much as they are deprived of the means of living when deprived of his industry." Many of those who penned these poignant appeals were desperate almost to distraction. William Orr, confined in the Brockville Jail for six months, asked for clemency because "as a husband and father his sufferings since his confinement have been

indescribable, almost too much for human nature to bear, having always before his eyes the deplorable situation of his suffering wife and helpless children . . .”¹¹

Far more than today, a jail sentence in Upper Canada, however brief, punished not only the prisoner but his wife and children. Labor was in short supply, winter was harsh, existence for many was marginal at best, and there was no welfare cushion or prisoners’ aid society to step in when needed. This induced some victims of family violence to plead on behalf of the guilty party. Anne O’Byron’s husband had beaten her while drunk but she was “willing to forgive him the assault upon me” because “I have no means of subsistence for myself during his confinement.” In some cases, kindly magistrates took steps to assist the family of the prisoner. According to William Lyon Mackenzie, Mayor of Toronto, John Bedford had been “guilty of a cruel and most wanton and unprovoked assault upon his wife: but typically, after a few weeks in jail, he pleaded to be released because his wife was destitute. Bedford had been a model prisoner, so Mackenzie was sympathetic, but he did suggest that the man was mistaken about his wife’s destitution. “The day I put him in prison I sent her two dollars. A few days ago I sent again for her, gave her another two, and told her that if she suffered for want she was to come again.”¹²

Such assistance was of little solace to those who believed that a brief stay in

jail would bring economic ruin. On Sept. 10, 1835, one Moses Pattison, a farmer sentenced to three weeks for taking part in a brawl, appealed on the grounds that his crops would be lost and his farm ruined unless he was released immediately. His petition was granted. In 1821, from Vaughan Township, a widow urged that her son-in-law, imprisoned for a month for stealing a hen, be released as she had no other means “to have her harvest saved, but through him, the remaining part of the family being small children.”¹³ The judges were aware of the consequence of even brief imprisonment in a society such as Upper Canada; arguably it was one of the more regrettable consequences of the opening of Kingston Penitentiary in 1835 that it contributed so substantially to a trend to incarcerate individuals for longer periods of time.

Other circumstances as well contributed to the brevity of most sentences to Upper Canadian jails. The physical condition of the jails and the financial condition of the districts were circumstances which all but precluded the possibility of locking convicts away for lengthy periods. Both the correspondence in the Upper Canada Sundries and the published documents in the journals of the legislative assembly contain vast amounts of material on such subjects as the insecure and decrepit physical condition of most jails and the poor quality of food and bedclothing supplied the prisoners. The amount of information on these matters is so extensive that a full analysis cannot

be made here, but the nature and extent of the problem can be outlined.

The cost of building and running the jails devolved upon the districts but these local government units lacked the funds and the tax base as well as the will to respond adequately. Very frequently the magistrates pleaded with the central authority to establish a second Circuit of the Assizes, so the crowded jail facility could be delivered more than once a year. Not only would this bring speedier justice to the accused, but it would reduce district costs. Despite strong support from the King’s Bench judges, a second circuit was established only in the Home District and both prisoners and districts were forced to wait for up to a year for a jail delivery.

Thus the districts continued to face an overwhelming problem in building and rebuilding their facilities and holding large numbers of accused persons prior to trial as well as prisoners, debtors, poor people and the mentally ill. Literally hundreds of reports, letters and petitions attest to the nature of these difficulties as well as to the undeniable suffering of many prisoners. In 1811, for example, it was the sheriff of the Home District who took the initiative to complain to the chairman of the Quarter Sessions that “the prisoners in the cells of the gaol suffer much from cold and damp, there being no method of communicating heat from the chimneys, nor any bedsteads to raise the straw from the floors which lie nearly if not altogether on the ground.”¹⁴ Complaints about the Home District and the Gore District jails were so



Canada Lock Company — a work area for the Kingston prisoners.

frequent as to suggest that conditions there were the worst in the province but in fact petitions emanated from prisoners in every jail in the colony.

In November 1823, Catherine Sharply in the Brockville Jail claimed she had been,

placed into an unhealthy criminal cell in prison (with four men) only 14 feet square in the 1st October last where she still languishes in irreligious indecency, misery and horror . . . and is destitute of the means of providing clothing and other necessities by her labour — and has become an involuntary charge upon the District for her scanty allowance of bread and meat.¹⁵

Sharply felt she should not be confined in a cell with criminals, since she had not yet been tried; being without assets or friends, she was unable to get bail.

Numerous other prisoners attested that physical suffering was undermining their health. In 1826, a prisoner who had been in the Midland Jail for 12 months wrote that no person had come to assist him with either food or garments, “excepting the gaol allowance and . . . is almost exhausted for want of more substantial diet . . .” In 1835, from the Gore District Jail, John Wirick complained that “from the long confinement . . . in a cold and damp cell my health has been greatly impaired.” He believed that “it was evident I could not survive much longer under the excruciating pain I then felt.”¹⁶

It was a notorious incident in the Gore District Jail which caused the scandal which, for a while, seemed likely to lead to extensive reforms in the colony’s jail system.

In 1835, James Owen McCarthy, an Irish immigrant convicted of a capital offence, died under mysterious circumstances a day before he was scheduled to be released and banished from the province. McCarthy had had excellent connections in Great Britain and the Colonial Office had taken an interest in his case. McCarthy had complained to British officials about the cruelty to which he had been subjected while imprisoned in Hamilton and his death caused the Colonial Secretary to express grave displeasure at the state of Upper Canadian jails.¹⁷

This led to an investigation on the part of the King’s Bench judges and on Dec. 22, 1835, the judges submitted a remarkable report to the lieutenant governor. In it, they asserted that “the treatment of prisoners confined on criminal charges in the several gaols in this Province appears to call for the establishment, by Legislative authority, of more precise and satisfactory regulations than are at present provided.” In some districts, they noted, jail regulations called for

prisoners to receive both meat and vegetables,

“but we are not sure that this is the case generally; and we are informed that the Magistrates of the Home District have . . . declined to authorize the furnishings of any other diet than bread and water.”

There were many persons in the Home District Jail, the judges asserted, both tried and untried, who had no

“The judges argued that bedding, warm clothing, and adequate food ought to be furnished to all prisoners . . .”

other sustenance and who were “in a state of suffering, from the want of what we regard as the absolute necessities of life.” The judges argued that bedding, warm clothing and adequate food ought to be furnished to all prisoners. If the districts could not afford to provide them, then the legislature should consider the subject.¹⁸

The lieutenant governor printed and circulated the judges’ letter to all the districts and made it clear that local officials were expected to investigate jail conditions and respond on an urgent basis. The response to this letter was a mass of information provided by the sheriffs and courts of Quarter Sessions on every aspect of jail life. While some districts argued convincingly that they were providing adequate food, fuel, clothing and other necessities for their prisoners, notwithstanding the very grave financial burden this entailed, others offered only a feeble response. In the Home District, for example, the chairman of Quarter Sessions claimed that most persons in jail could have “any extra wants” supplied either by their own means or by the assistance of friends. “Every reasonable facility” had been provided for the admission of prisoners’ friends to the jail. Such an attitude could only give more credence to the view expressed by Mayor Mackenzie in a June 9, 1834 letter in which he requested “the attention of the government to the insecure and unwholesome state of the prison” and insisted that “even a captive in a dungeon has his rights and ought not to be used as I have seen.”¹⁹

Considerable insight into the physical conditions of the jails is provided in correspondence about actual and potential escapes. Escapes were a frequent occurrence. In April 1836, the Home District Grand Jury reported that since July 1832 no fewer than 31

prisoners had escaped from that jail. “I must impress upon the minds of the magistrates,” wrote Sheriff Merritt of the Niagara District in 1809, “that with my present means and in the present situation of the gaol, I cannot be responsible for the safekeeping of the prisoners.” In 1832, magistrates in the Eastern District rather desperately informed the lieutenant governor that their jail was “in so insecure a state that it is incapable of detaining within its walls either criminals or debtors, and more particularly the former, who from the decayed state of the cells are only detained by the use of irons; and even irons from the practicability of conveying tools through the gaol are no security.”²⁰

Without secure structures jailers had little choice but to resort to the extensive use of irons. This seems to have been the standard practice for those charged with and convicted of capital offences. Many prisoners in that situation complained pitifully of the suffering they endured. Although the sheriff of Cornwall reported in 1823 that he had done everything possible to assist one poor wretch, providing an additional stove for his comfort, yet, “he suffers much from his irons and the cold . . .”

Notwithstanding the ease with which prisoners escaped, it is unclear how usual it was for other than capital prisoners to be placed in irons. When someone complained that “five desperate fellows” had escaped from the jail of the Midland District, because none was in irons, Sheriff John Maclean stated that, “The gaol was considered so secure that it was thought unnecessary, nor was it usual to put prisoners of the description of those who escaped in irons.”²¹

Both the districts and the central authority had reason to be aware of the sad condition of the jails, the frequency of escapes and the sufferings experienced by many prisoners. Throughout the Upper Canadian period, grand juries with distressing frequency pointed to this state of affairs. Although the numbers of these complaints increased substantially with the population growth of the 1830s, there were many earlier statements. In 1821, the Grand Jury of the Johnstown District lamented that prisoners were subjected “to many inconveniences and sufferings”; in 1825, the magistrates, grand inquest and other inhabitants of the Eastern District maintained that criminals “suffer the most dreadful privations as it is impossible, particularly during the winter season, to make the cells fit for their reception”; and in a lengthy statement in 1839 the Niagara District Grand Jury expressed,

their astonishment that the presentments made for many years on this subject have not been attended to by the Magistrates and that the jail is still permitted to remain in a state



The classroom by the
One of the first
educational was the
of Kingston. He was
religious instruction a
weekly basis.

not only disgraceful to the district but to a civilized people. It is as destructive to the health of those confined as it is destructive to their morals.²²

In all these documents, it is notable that the grand jurors seldom, if ever, complained about the role played by the sheriffs, jailers and turnkeys; and with the exception of James Owen McCarthy and a very few others, prisoners themselves seldom made charges against jail officials. This contrasts with Greenberg's findings for colonial New York that there were frequent charges of sadistic behaviour and mistreatment by jailers. Furthermore, punishments such as whipping and irons seem to have been seldom invoked in response to prisoner misconduct, even though the documents suggest that rebellious prisoners frequently destroyed jail property and invoked other methods of manifesting anger and rebelliousness.²³

If officials of the district and officers of the central government were aware of the regrettable conditions of the jails, and if the jails were such an affront to the humanitarian instincts of grand

jurors and King's Bench judges alike, why was nothing substantial done until the late 1830s to correct this distressing situation? No doubt part of the answer lies with the sad state of local government as well as with the manifest inefficiencies of the central authority which so appalled both Lord Durham and Lord Sydenham. Of course, in a pioneer society there were many other more pressing needs, including roads, schools and churches, which would take priority over the jails. Yet, one also suspects that the jails did not receive more funding and better administration because Upper Canadians, before the era of the penitentiary, regarded imprisonment as only part of a wider system of criminal law sanctions, and because it was expected that few prisoners would be confined in these facilities for more than a few months.

Other forms of punishment, including most frequently fines, whipping, the pillory and banishment were not so much alternatives to imprisonment as complementary to it; as such they made it practicable for judges to impose brief terms of

imprisonment. Whipping, it is clear, was greatly feared not only, and perhaps not so much, for the pain it brought as for the shame it imposed on the prisoner and his or her family. Most cases of appeal against the whipping portion of the sentence suggest the sense of horror and shame the prisoner was experiencing. William Stoutenburgh in the Home District Jail, sentenced to two months and 25 lashes for petit larceny appealed the whipping part of the sentence. Chief Justice Powell was unsympathetic, informing the Governor's Secretary that the man's own application made it "evident that the whipping is the most exemplary part of the punishment and likely to have the most effect in deterring others from similar crimes." Stoutenburgh's response to this refusal was to break jail and his father reported receiving a letter from him claiming that "the ignominy of being publicly whipped, which would eternally stigmatize not only him but stamp disgrace on his brothers and sisters also — was the irresistible impulse which induced him to break prison." Again the plea went forth. If

His Excellency would reconsider the whipping, Stoutenburgh was willing to submit to "any period of confinement which to your Excellency's wisdom may seem correct." This time Judge Boulton responded that he was "aware of the feelings of parents" in cases of public whippings, but to pardon a man who had committed a second offence, escaping, to avoid punishment for the first offence, "I fear would have a bad effect" on the general public.²⁴

Clemency was granted frequently in whipping cases. In 1816, the chairman of the Home District Quarter Sessions supported clemency after the jail doctor certified that the prisoner was "so much reduced in his strength as to be incapable of suffering the infliction of corporal punishment without danger to his life." Another prisoner, John Willson who appealed for mercy "to appease the tender honor of an affectionate wife and child" avoided whipping on condition that he make restitution for the property he had taken. In 1822, one Blewett, whose parents lived in Nova Scotia, told Archdeacon John Strachan it would "break their hearts did they now know that their child was doomed to an ignominious punishment of being publicly whipped in the public market." Judge Campbell proceeded to investigate Blewett's conduct in jail and on finding it satisfactory agreed to support a remission of what he described as "the disgraceful part of the punishment." That same year William Lord in the Kingston Jail asserted that he came from a respectable family and asked that the whipping not be applied so as to save "him and his from everlasting disgrace."²⁵

The implication that jail brought less shame than a public whipping is significant. These individuals had not become hardened convicts — as many later would be after long periods in the penitentiary. They did not feel that they had been eternally disgraced by a few weeks in jail, and a sense of family and pretensions to respectability remained important to them. For these reasons the sentence of a public whipping to be applied at the end of the sentence placed significant discretionary power in the hands of criminal justice officials. In the case of one Hoffman, convicted of larceny in 1824, Judge Campbell commented that because of the person's family and his military service, he had dispensed with "the usual corporal infliction." To Upper Canadian officials and judges, corporal punishment was a valuable part of a remarkably flexible system.

The instruments most analogous to whipping were the pillory and the stocks. Even more than whipping, each of these depended for its effectiveness on the value system of society and of the convicted person. There are far fewer cases in the Sundries of appeals against either of these and the judges' circuit

reports indicate that they were employed far less frequently than whipping. The cases that do exist confirm the role played by a strong repugnance against the public display of the prisoner's humiliation.

When Elliott Buck in 1835 was sentenced to the pillory he appealed to the governor on the grounds that his sense of shame would be so great that "if I have to stand as a public example I must leave the country and fly to some distant place." When the jailer at York supported another petition, it was because the prisoner "has conducted himself in so very becoming a manner while in custody . . ." The implication is that prisoners who misbehaved could not expect to receive His Excellency's clemency.²⁶

"Like corporal punishment and the pillory, banishment in Upper Canada had diverse uses and purposes . . ."

Banishment, as we have seen, was a punishment denounced in H.C. Thomson's report recommending a penitentiary as absolutely ludicrous. This judgment is suspect not only because it came from a fervent advocate of the penitentiary system but because banishment was used so frequently both by the judges in sentencing and as an essential element in the petitioning procedure. It seems unlikely, in a small and intimate society, that banishment could have been as ineffective as was suggested. It is hard to believe that those who might return from banishment would not be recognized and punished severely. Like corporal punishment and the pillory, banishment in Upper Canada had diverse uses and purposes. It seems to have been the customary secondary punishment in those capital cases in which officials did not believe execution to be justified but in which a free pardon was not merited and the Sundries contain innumerable instances of its application in such cases.

In some cases, the sentence of banishment seemed extremely cruel, as in 1819 when the well-known Methodist preacher Henry Ryan, for solemnizing matrimony illegally, was sentenced to 14 years banishment and ordered to quit the country within eight days.²⁷ Since he successfully appealed this sentence, it is not unlikely that banishment, in common with other punishments, was being used by the executive branch, which had a close relationship with the judiciary, to effectively control an ever-changing and sometimes turbulent population.

Possibly, by the 1830s, banishment was less effective than it had been in the early days of settlement. Like other punishments, nonetheless, it retained considerable functional utility. In the 1830s, for example, one woman fined for keeping a disorderly house was ordered to leave, not the province, but the neighbourhood; another woman was sentenced to one week's imprisonment and to be banished "five miles beyond the limits of the District"; a third, convicted of larceny, was banished from the district for 12 months. Banishment, like other punishments, affected the person's entire family. In December 1834, a woman living in Norwich, wrote the governor on behalf of her son who had been sentenced to banishment to ask that he "relieve the solicitude of a poor widow and not keep me in suspense any longer by informing me whether my son can be pardoned or not." For such Upper Canadians as Sarah Gilbert, banishment remained an awful, much feared penalty.²⁸

The use of fines was an equally valuable component of the system, one which played an even greater role than corporal punishment and the pillory because it was resorted to so frequently. Many sentences called for confinement until costs and fines had been paid and numerous petitions pointed out that for many this would mean life imprisonment. Since that, of course, was not the intention, it seems clear that the "until paid" provision was there as a powerful piece of judicial and executive weaponry. The power which this placed in the hands of the ruling elite was mitigated but hardly dispelled by considerable evidence of humanitarian concerns.

In 1809, the Justices of Quarter Session at Niagara informed the governor that seven individuals who could not pay their fines would suffer perpetual imprisonment without His Excellency's interposition. Had they known this prior to sentencing, they added significantly, "the fines would not have been imposed, or at least greatly lessened."

In 1810, Judge Powell informed His Excellency that he was submitting the case of several persons convicted of forgery to his consideration in order "to obviate the possibility of their sentence operating a perpetual imprisonment in case of inability to pay the fine imposed on them." Sensitive to their economic status, he urged that the part of the sentence imposing imprisonment be replaced by security for good behaviour. In 1810, the Niagara District magistrates expressed their concern about four forgers who had been fined and placed in the pillory and whose term of imprisonment had expired some time previously but who remained behind bars because of inability to pay the fine. After emphasizing that the district found this ongoing detention to be very

expensive, they recommended that the prisoners be released "to prevent any attempt they might make to break gaol . . ." However extraordinary this may seem at first glance, it was logical to expect that men being jailed indefinitely would attempt such a break, probably with the assistance of indignant friends and families.²⁹

In many cases, the remission of the fine was granted on condition of banishment for a period of time. Another solution was indicated in the 1821 case of one Thomas Davison. According to the fiat of Attorney General J.B. Robinson,

"Davison being wholly unable at present to pay the said fine we have been pleased to assent that upon his entering into recognizance with sufficient sureties for the payment of the said fine to us within one year, he should be discharged from custody."

Another fiat from Robinson resolved the case of the unfortunate William Stoutenburgh who had been fined £20 in addition to his other punishments and protested he could not pay. "Since he is wholly unable to do so, he is to be released on providing sufficient sureties to pay within the calendar month." Even when the judges had a bad opinion of the convict, they sometimes showed flexibility, as did Judge Powell in another case when he asserted, in rather mangled grammar, that he could "see much good from the remission of that part of the imprisonment for the fine, which shall ever hang over him if he is discharged from confinement only." Powell seems to have been asking that the fine be cancelled. William Lyon Mackenzie took a similar position in 1834 in the case of a poor tradesman who, he asserted, had already lost the best part of his work year by being imprisoned for a month. To insist on payment of the fine after release "might abridge his family of many comforts, and perhaps ruin, or greatly discourage himself in time to come."

In 1835, in the case of an aggravated assault in the Gore District, the magistrate assisted the prisoner by directing that the district take over payment of the costs and asked His Excellency to remit the fine. That same year, the chairman of the Gore Quarter Sessions expressed concern that several prisoners remained in jail beyond the expiry of their sentences only because they were poor. "They have all remained over the period sentenced one month — some two months — and some even more — making their poverty if not a crime, at least a very serious inconvenience to them."³⁰ In these instances at least, the authorities did take into consideration the economic status of the individuals who had been punished by being fined.

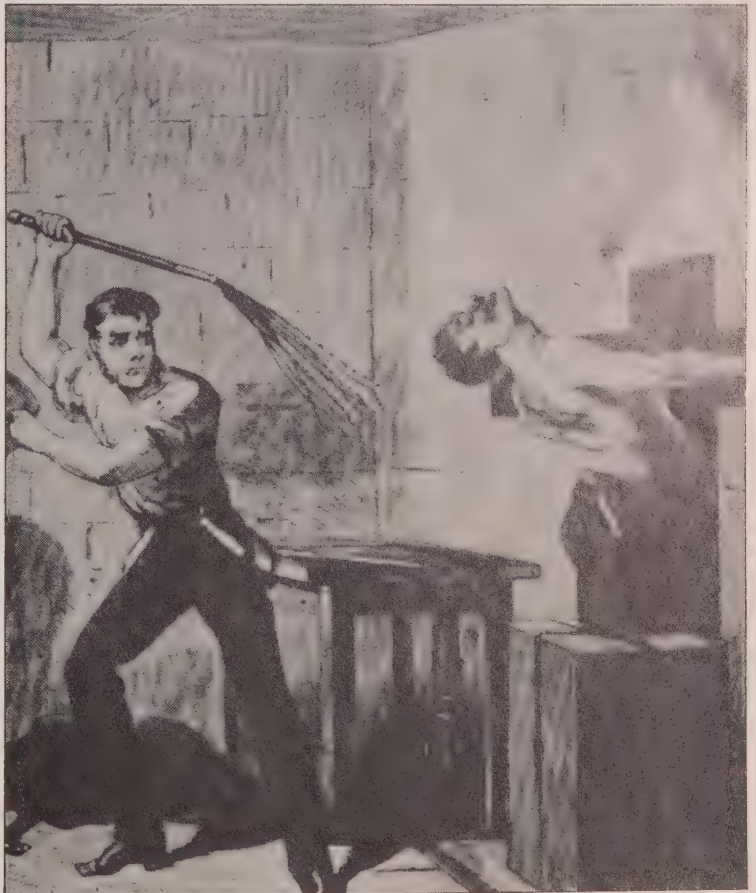
Part 3

A great deal of research and analysis remains to be done before it will be possible to estimate how effectively the Upper Canadian criminal justice system functioned in the period before the establishment of the penitentiary. The foregoing survey does not attempt to make such a judgment; its purpose is merely to suggest that the system was complex, subtle and multi-faceted and to indicate that in Upper Canada imprisonment for brief terms was a severe punishment and was only one component of a larger system.

There has been an assumption, given the decision to establish the penitentiary, that previously-existing approaches were bankrupt. This point of view was expressed with great clarity in the Thomson Report of 1831. No one, however, has ever demonstrated that those responsible for administering the system shared that perspective. Certainly various investigations and reports demonstrated beyond cavil that numerous evils existed in the system. There is no doubt at all that the jails of Upper Canada were in desperate need of reform and that other

aspects of the system also demanded reconsideration. Most of all, perhaps, there was an emerging consensus about the need for classification of prisoners and greater efforts at rehabilitation. Sadly, despite some advances in 1827 and 1838, significant reform of the jail was not accomplished at this time, and perhaps for that reason the penitentiary assumed a dominating role in Canada's penal system.³¹

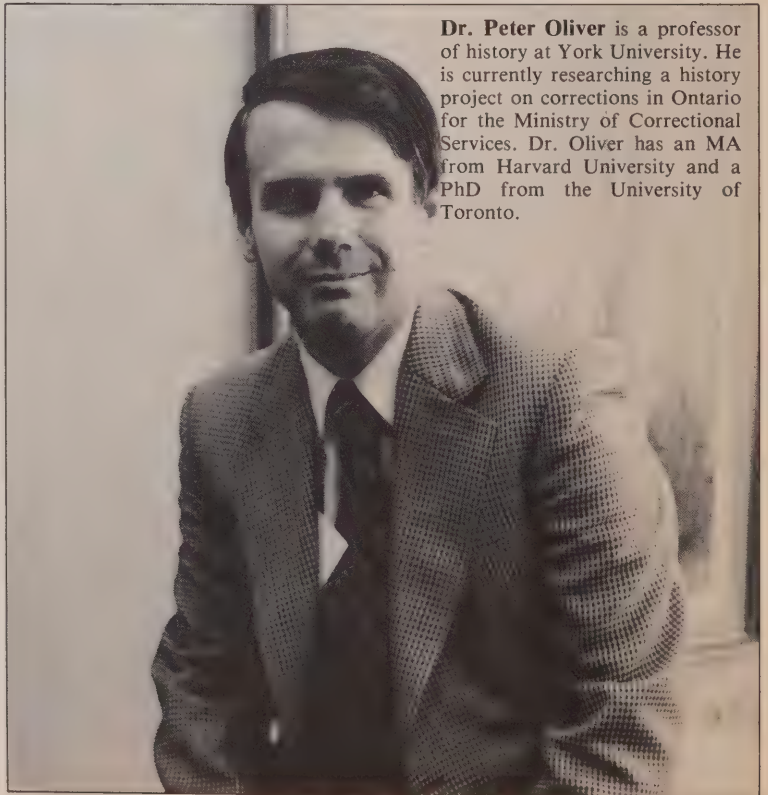
The triumph of the penitentiary and all it stood for was a tragedy both in the sense that its own defects were horrendous and because one indication of that triumph was a tendency to reject or neglect certain positive and highly functional features of the pre-penitentiary approach to punishment. The earlier system in its very informality, its lack of regimentation, its openness to public scrutiny and its close relationship with the human concerns of the local communities may not have offered a very clear or compelling alternative to the regimen offered by the total institution. But, at the very least, it avoided the structured inhumanity, the resort to ever longer periods of incarceration and the effective creation of a genuine criminal class which were the appalling results of the 19th century penitentiary system. ■



"The implication that jail brought less shame than a public whipping is significant."

Footnotes

- 1 Douglas Greenberg, *Crime and Law Enforcement in the Colony of New York, 1691-1776* (Ithaca, New York, 1974), p. 125.
- 2 Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London, 1978), p. 210.
- 3 "Report of the Select Committee on Expediency of Erecting a Penitentiary," in *Journals of the Legislative Assembly*, Upper Canada, 1st Session, 11th Parliament, 1831.
- 4 Patricia O'Brien, *The Promise of Punishment: Prisons in Nineteenth Century France* (Princeton, 1982), p. 48.
- 5 "Report of the Penitentiary Inspectors, November 1, 1837," Vol. 37, p. 186, in *Journals of the Legislative Assembly*, 1837-38, Appendix.
- 6 Public Archives of Canada, Upper Canada *Sundries*, Chairman, Quarter Sessions, Home District, July 26, 1834. The *Sundries* is the major archival collection of correspondence with and petitions to the Lieutenant Governor and the Civil Secretary.
- 7 Public Archives of Canada, *Sundries*, William Campbell, "Calendar of all criminals tried — on the Eastern Circuit," 1816.
- 8 David V. Rothman, "The Challenge of Crime," *The Discovery of the Asylum* (Boston, 1971).
- 9 Richard B. Splane, *Social Welfare in Ontario, 1791-1893* (Toronto, 1965), p. 118.
- 10 Rothman, *Discovery*, p. 62.
- 11 *Sundries*, Petition of Thomas Blewitt, February 1816; Petition of James McArdle, Aug. 25, 1835; Petition of William Orr, Sept. 14, 1825.
- 12 *Ibid.*, Petition of Anne O'Byron, July 29, 1835; W.L. Mackenzie to Civil Secretary, July 8, 1834.
- 13 *Ibid.*, Petition of Moses Pattison, Sept. 10, 1835; Petition of (illegible), Aug. 2, 1821.
- 14 Edith G. Firth, ed., *The Town of York, 1793-1815* (Toronto, 1962), p. 107.
- 15 *Sundries*, Petition of Catherine Sharply, Nov. 23, 1823.
- 16 *Ibid.*, Petition of John Wirick, Jan. 28, 1835.
- 17 *Ibid.*, the *Sundries* contain extensive materials on this case. I wish to thank Robert Fraser and Curtis Fahey of the Dictionary of Canadian Biography for helping me understand the ramifications of the case.
- 18 *Ibid.*, J.B. Robinson, C.J., L.P. Sherwood, J., J.B. Macauley, J. to His Excellency, Dec. 22, 1834.
- 19 *Ibid.*, W.L. Mackenzie, June 9, 1835.
- 20 Statement of the Grand Jury, Home District, Apr. 5, 1836; *Journals of the Legislative Assembly*, 1836. *Sundries*, Thomas Merritt to Chairman, Quarter Sessions, Niagara District, 1809; Magistrates, Eastern District to Secretary, Apr. 22, 1823.
- 21 *Sundries*, Sheriff Macdonnell, Cornwall to Secretary, Apr. 29, 1823; Sheriff John Maclean, Kingston to Secretary, Jan. 28, 1835.
- 22 *Ibid.*, Grand Jury, Johnstown District, May 18, 1821; Grand Jury, Niagara District, March 16, 1839.
- 23 Greenberg, *Crime and Law Enforcement in the Colony of New York, 1691-1776* (Ithaca, New York, 1974), p. 124.
- 24 *Sundries*, W.D. Powell to Secretary, N.D.; Petition of Luke Stoutenburgh; Judge Boulton, November 1820.
- 25 *Ibid.*, Petition of John William, 1819; Petition of Edward Blewett, Apr. 21, 1822; Judge Campbell to Secretary, Apr. 25, 1822; Petition of William Lord, 1822.
- 26 *Ibid.*, Petition of Elliott Buck, June 16, 1835; Gaoler, York to John Strachan, Oct. 14, 1822.
- 27 *Ibid.*, Petition of Henry Ryan, 1819.
- 28 J.E. Jones, *Pioneer Crimes and Punishments in Toronto and the Home District* (Toronto, 1924) provided the instances of banishment from neighbourhood and District. *Sundries*, Sara Gilbert to Lieutenant Governor, Dec. 28, 1834.
- 29 *Sundries*, Niagara Magistrates to Lieutenant Governor, June 5, 1809; Judge Powell to Secretary, May 1 and March 21, 1810; Niagara Magistrates, Apr. 17, 1810.
- 30 *Ibid.*, Fiat, J.B. Robinson, Apr. 19, 1821; Fiat, Robinson, N.D.; Judge Powell to Secretary, Jan. 16, 1823; W.L. Mackenzie in support of William Hughes, July 5, 1834; Clerk of the Peace, Gore District, to His Excellency, 1835.
- 31 See Splane, *Social Welfare*, pp. 124-128, for the Jail reforms of 1838, their strengths and failings.



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Reasoning & rehabilitation: The cognitive model for corrections

by Dr. Robert R. Ross and
Elizabeth A. Fabiano

Rehabilitation: An Autopsy

In the prevention of crime and the reformation of criminals, success is rare. There is little evidence that crime prevention programs prevent crime, that offender rehabilitation programs rehabilitate, that deterrence deters, that corrections corrects. During the past 20 years, many audits of criminal justice programs have been conducted. Almost uniformly, they have concluded that the efforts of criminal justice practitioners to reduce crime rates or recidivism rates by programs which attempt to change individual offenders, have been long on promise and short on achievement.

The conclusion that in crime prevention and offender rehabilitation "almost nothing works" (Martinson, 1974) has been widely proclaimed. Among many academics, criminal justice policy-makers, correctional managers and even among the public, a pervasive negativism has been fostered with respect to the potential of preventing crime or reducing recidivism through rehabilitation programs. Feelings of hopelessness have also been engendered among many correctional practitioners and may constitute a self-fulfilling prophecy since few programs are likely to "work" in an atmosphere of pessimism.

Many rehabilitation efforts have failed and several programs have actually *increased* recidivism (Romig, 1978; Ross & McKay, 1976). There are some programs, however, which have been successful (Gendreau and Ross, 1979; Ross and Gendreau, 1980). Major reductions in the frequency and severity of criminal acts have been achieved through some programs. Well-controlled studies have found reductions in recidivism ranging from 30 per cent to 60 per cent. Most of these programs were also effective when measured by other criteria such as employment stability and family relations. The beneficial effects of these programs are not short-lived. Positive

results have been found for as long as three to 15 years after treatment.

Effective programs have been conducted in a variety of correctional settings and with a variety of offenders. Substantial effects have been achieved in prevention programs for pre-delinquents, in diversion programs for adolescent offenders, in community-based programs for hard-core juvenile and adult offenders, and in institutional programs for recidivistic adult offenders and criminal heroin addicts. The positive results of these programs have been demonstrated by methodologically impressive research, using techniques as rigorous as one can find in any criminal justice context.

Although there are some effective programs, it should not be thought that they are representative of the general state-of-the-art in correctional programming. The majority of correctional programs are not conducted in a scientific framework; their results have never been adequately evaluated. Among those which have been evaluated, however, it is clear that effective programs are well outnumbered by correctional programs which have failed. Unsuccessful programs are by no means uncommon. As the reviews suggest, they may be the rule. Effective programs are exceptional.

Prescriptions for Success

Research is underway at a number of universities to ascertain the essential components of effective correctional programs through sophisticated meta-analysis techniques which can determine the magnitude and the likelihood of success or failure associated with specific program characteristics. Comparisons of programs which work and programs which fail have already demonstrated that effective programs are not only exceptional in their results; they are also atypical in the intervention techniques they employ; the types of

staff who apply these techniques (their training, their personality, and their social skills); the nature of the relationship between the staff and the offenders; the intensity and duration of their program efforts; and the degree to which they attend to the social, situational and economic factors which affect their clients.

Correctional Thinking

One factor which is fundamental to the difference between programs that "work" and those that do not is the conceptualization of criminal behaviour on which the program is based. The conceptual model of criminal behaviour determines the goals of the intervention and the intermediate targets on which the program should focus in order to achieve these goals. The model also serves as a guide for program planners and practitioners in terms of the techniques they should employ to reach their objectives.

Many correctional programs are based on a medical/disease model which views criminal behaviour as symptomatic of some underlying psychopathological condition which requires "cure" through some form of "therapy". There is no evidence for the effectiveness of such programs. Though popular, the outcome of programs based on a simple punishment or deterrence model has been far from encouraging (Gendreau and Ross, 1980). Explanatory models which stress the influence of poverty, unemployment, social class, culture conflict and the like, may address the root causes of crime, but they have yielded few, if any, effective programs of crime prevention or offender rehabilitation. The "actuarial model" (Ross, 1983) which proposes that the prime concern of corrections should be costs and humane containment, has become less defensible as unabated recidivism rates create exorbitant demands on facilities and budgets.

The following is extracted from Ross & Fabiano's forthcoming book, *Time to Think: The Cognitive Model of Crime and Delinquency Prevention & Rehabilitation* (Institute of Social Sciences & Arts).

We wish to express our appreciation for the stimulation and encouragement of Andy Birkenmayer.

The research on which this report is based has been supported by the Ministry of Correctional Services.

Whereas many ineffective programs have been based on inadequate conceptual models, most are based on no model at all. The criminal justice system appears to be functioning in a conceptual vacuum. There is an almost total dearth of conceptualizations of the causes of criminal behaviour which are supported by adequate empirical evidence and which can suggest intervention strategies for correctional agencies which are feasible, practical and effective (Martin, Sechrest and Redner, 1981). Correctional programs which derive from inadequate or faulty conceptualizations of criminal behaviour are unlikely to have much impact on reducing such behaviour.

Time to Think

During the past three years we have been engaged in research which has led to the development of a model which holds considerable promise for corrections both in community and institutional settings: the cognitive model. The model was derived not from some *a priori* account of crime, nor from a theoretical explanation of crime, nor even from a study of offenders. The model came from an analysis of correctional programs.

In comparing effective and ineffective programs we noted that all effective programs were multi-faceted. They did not rely on any one intervention technique to achieve their effects. Rather, they included a number of different modalities, each of which might be expected to effect some aspect of the offenders' behaviour. Effective programs were complex — not unlike the offenders they treated.

The effective programs differed in their focus. Some employed techniques designed to modify offenders' feelings, while others attempted to change offenders' behaviour, or their situation, social or vocational skills. Each successful program included a different selection and combination of intervention techniques, but all shared at least one in common: a technique that could be expected to have an impact on the offenders' thinking.

Effective programs included some technique that could enhance the offenders' impulse control, increase their reasoning skills, improve their sensitivity to the consequences of their behaviour, improve their ability to comprehend the thoughts and feelings of other people, increase their interpersonal problem-solving skills, broaden their view of the world, and help them to develop alternative interpretations of their environment, social rules and social obligations.

Effective programs included, as a target of their intervention, not only offenders' behaviour, their feelings, vocational or interpersonal skills, but their cognition: their reasoning,

attributions, self-evaluation, expectations, their understanding and appraisal of the world, and their values.

Criminogenic Thinking

The remarkable success of these programs led us to wonder whether there is something about offenders' thinking which might account for their criminal behaviour. This possibility led us to examine the research literature to determine whether offenders differ from non-offenders in their cognitive functioning; whether cognition and crime are linked. Our search revealed a considerable body of evidence which suggests that many offenders show developmental delays in the acquisition of a number of cognitive skills which are essential to social adaptation. For example, many tend to be action-oriented, non-reflective and impulsive. When faced with a problem or a temptation they immediately respond without stopping to think. They are less likely to *think* about problem situations than to *react* to them. They often *act out* without adequately analysing the situation, or calculating the consequences of their action. Advice, warnings or punishment often seem to have little impact on them because they fail to reflect back on their behaviour and its effects.

Many offenders have never acquired critical reasoning skills and they show a host of thinking errors. The most common of these is externalizing the blame for their actions onto other people or to circumstances "beyond their control". Although they often are able to rationalize their anti-social behaviour and justify their actions, the reasoning they use in doing so is frequently simplistic and illogical. Their thinking is often exceptionally shallow and narrow — they construe their world in absolute terms, failing to appreciate the subtleties and complexities of social interactions, and they tend to adopt simple solutions to complex problems. They fail to think through problem situations and tend to uncritically accept those conclusions which immediately occur to them or are presented by authoritative sources. They then cling to these conclusions stubbornly and rigidly. Consequently, their thinking is often inflexible, uncreative and maladaptive. Moreover, many offenders fail to consider that their thinking, their behaviour, and their attitudes contribute to the problem they experience.

Many offenders have not progressed beyond an egocentric stage of cognitive development: they are unable (or fail) to distinguish between their own emotional states, thoughts and views and those of other people. Lacking the ability to take the perspective of other people, they misread social expectations and misinterpret the actions and intentions

of others. Their lack of awareness or sensitivity to other people's thoughts or feelings severely impairs their ability to form acceptable relationships with people (including employers and spouses) and prevents them from developing appropriate means of dealing with interpersonal problems.

The review also indicated that not all offenders have such deficits and that few offenders evidence all of these deficits. Many offenders have not the slightest cognitive deficit; their criminal acts are perfectly rational, well planned ... and profitable! Moreover, offenders are not the only individuals who show cognitive deficits. Criminal behaviour may be only one of many problems which are engendered by faulty or inadequate cognitive development. Cognitive deficits have been found to be associated with a range of behaviour problems, including obesity, unwanted pregnancy, and alcohol and drug addiction. Moreover, many intelligent and successful individuals show some of the same cognitive deficits which have been found among offenders. These findings and many shortcomings in the research and gaps in our knowledge limit our understanding of the association between cognition and criminal behaviour. However, although it cannot be asserted that cognitive deficits are a cause of crime, there is sufficient evidence to conclude that cognitive deficits may put an individual at risk of developing a criminal lifestyle.

Cognition for Corrections

Improving the cognitive functioning of delinquent and adult offenders may be a crucial factor in their rehabilitation. Cognitive development training may serve as an effective means of preventing many individuals from engaging in delinquent behaviour. These conclusions, based on our inspection of effective programs, were confirmed by a component analysis of a large number of correctional programs which demonstrated that the inclusion of a cognitive component in the programs reliably differentiated effective from ineffective programs (Ross and Fabiano, 1982). This study indicated that cognitive training is a critical and possibly *essential* component of effective programs.

Effective correctional programs have incorporated a variety of training techniques which can influence a variety of the offenders' cognitive skills. At this point in our research we cannot specify with assurance which of these techniques is most effective nor which of the cognitive functions are most important to target. In general, however, effective programs have emphasized the following techniques: *rational self-analysis* (teaching offenders to attend to and critically

assess their own thinking); *self-control training* (teaching offenders to stop, think and analyse consequences before acting); *means-end reasoning* (teaching offenders to conceptualize the means whereby they might satisfy their needs more adequately, and how to formulate plans); *critical thinking* (teaching offenders how to think logically, objectively and rationally without over-generalizing, distorting the facts, or externalising the blame).

An essential component of effective programs appears to be training in *interpersonal cognitive problem-solving*: teaching offenders how to analyse interpersonal problems, how to understand and consider other people's values, behaviour and feelings; how to recognize how their behaviour affects other people and why others respond to them as they do; and how to develop alternative, prosocial rather than anti-social ways of reacting to interpersonal conflicts.

There are a number of other techniques which have been or could be employed. These have been described in a recent publication from the ministry's planning and research branch (Ross and Fabiano, 1983). They include didactic classroom teaching techniques, small group discussion techniques, audio-visual presentations, reasoning exercises and games, role-playing and modelling programs, and individual and group counselling techniques. The value of these techniques is presently being evaluated in an experimental study with medium and high-risk probationers in the Pickering and Oshawa probation offices. The project is designed to determine whether cognitive training can be effectively provided by staff

probation officers as a part of regular intensive probation services.

The Search for Elixirs

The model we present is only one model for crime prevention and offender rehabilitation programs. It is neither the only model nor an all-encompassing model. Changing the behaviour of delinquent or adult offenders is an exceedingly complex task. No one model can be expected to suffice for all. The model we present may have value for a substantial number of offenders but it is not a panacea. There are none.

Emphasizing the cognitive deficits shown by many offenders does not mean that those offenders do not have other needs and problems which must be addressed. Offenders are not a homogeneous group. While some may have cognitive deficits, others may have other difficulties. Attention must also be paid to other social/economic factors in the offender's environment which may significantly influence the offender's behaviour. As research has indicated, effective correctional programs do not rely on a single method. On the contrary, they are multi-faceted programs which employ a variety of techniques, appropriate to the complexity of criminal behaviour. A cognitive development component may be an essential aspect of many effective programs, but cognitive training alone is no elixir.

The major premise of the cognitive model is that the offender's cognition — what and how he thinks; how he views his world; how he reasons; how well he understands people; what he values; and

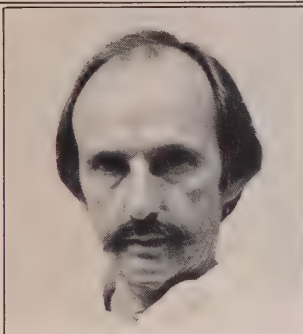
how he attempts to solve problem — play a critical role in his criminal behaviour.

This is not to deny the importance of the social, economic, situational and cultural factors which are associated with criminal behaviour. On the contrary, such factors may be the primary determinants of how offenders think. Factors such as poverty, lack of opportunity, limited intellectual stimulation, insufficient or inappropriate education, lack of exposure to individuals who model prosocial and effective cognitive problem-solving, and a host of other environmental, experiential, perceptual, nutritional and familial factors can profoundly influence both the individual's cognitive development and the likelihood that he or she will engage in anti-social behaviour. An adequate approach to crime prevention and control must address these factors.

Whereas in correctional applications of the cognitive model we emphasize attempts to reduce criminal behaviour by focusing on offenders, the model has important implications for the prevention of delinquency and crime through broader social intervention such as cognitive development training in families and the schools. ■

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Prisoners of the bicentennial era: A peek at their heritage

by Terry Angle

Introduction

Historical and sociological research related to the prison population of Ontario is limited. Consequently, very little is known about the characteristics of those people who have been incarcerated. It is not for lack of data that so little is known and so few research efforts started. Prison authorities, particularly in the early part of the 19th century, were exacting in the amount of detail that they required to be recorded about every prisoner who was received at a penal facility. The annual reports of inspectors reflect actual names, birthplaces, religions, educational status, types of offences and other details for all prisoners. It may be assumed that it is not the dearth of information but rather the abundance of information that has frightened potential researchers.

This effort attempts to bring forward a better understanding of the growth of the federal and provincial penal systems at the same time that it examines those adults who were incarcerated in the prisons and reformatories of the province. Information was gathered from Canadian census data publications, federal and provincial sessional papers, and from articles and textbooks related to the social history of Upper Canada and Ontario. The time period researched was 1851 to 1951.

Population Growth in Upper Canada

Any examination of the demographic characteristics of Ontario's prison population must be considered within a social-historical context of the province. Population growth in Ontario has been studied by a number of researchers.

Schull (1978) reported that by the beginning of the War of 1812, of approximately 100,000 people in Upper Canada, about four-fifths had come from the United States. The majority were United Empire Loyalists who were to remain in this province even after the war ended. They were soon joined, and out-numbered, by waves of immigrants from the British Isles.

As the Napoleonic wars ended, surplus manpower from Great Britain was directed to both Upper and Lower Canada. McInnis (1969) also documented this American-dominated early 1800s Upper Canadian society, but noted that an unprecedented surge of British migrants arrived between 1815 and 1848 in what was to be later called Ontario.

American immigration was slowed and Americans were quickly replaced by English, Scottish and Irish immigrants. They settled at first in the Ottawa Valley and gradually began to move westward. As machines replaced men in the British Isles, English landlords drove Scottish and Irish peasants from their farmland. Immigrant ships began to transport thousands of refugees to Montreal where they began to make their way to Upper Canada.

Beaujot and McQuillan (1982) suggested that during this early period of settlement over one-half of the migrants were Irish with the remainder evenly divided between English and Scottish. By 1831, as Kalbach and McVey (1979) indicated, Upper Canada's population had increased to 237,000 and between 1844 and 1851 had surpassed the population of Lower Canada. These two authors also claimed that the variations in the rates of growth during these years appeared to have been due to fluctuations in the size of successive waves of immigrants rather than to variations in natural increase alone. At any rate, by 1861 Upper Canada's population had passed the one million mark and it was the largest colony in British North America.

With the exception of the decade 1871 to 1881, rates of growth for the province declined from 1851 to 1901. After 1901, however, large-scale immigration of foreign-born, combined with a favourable natural increase, caused Ontario's population to grow rapidly. The variations in federal immigration policy, the extent of economic activity in the area which affected internal migration and the fertility trends of the people already established in Ontario, were the main factors for this growth. These factors also contributed to the changing demographic structure of the province.

The significance of immigration for overall growth and the impact it would have on demographic structure was more powerful during certain intercensal decades than during others. As Kalbach and McVey (1979) pointed out when describing country-wide immigration, the three decades covering the periods 1891 to 1921 were decades when immigrants were greater contributors to both growth and structure. This was simply because the relative size of the immigrant streams to the resident population were large. In each of the decades mentioned, the influx of immigrants represented 15 per cent, 25 per cent, and 18 per cent respectively, of the size of the Canadian population.

During the 19th century and the first half of the 20th century, Ontario's population grew rapidly. This rapid growth was a result of immigration policy, internal migration, natural increase, high fertility rates among some groups, and decreasing mortality rates. These same influences affected the demographic structure of the province.

Nativity, Religion and Social Status in Upper Canada and Ontario

During the 19th century and the first 50 years of this century there were considerable variations in the nativity and religious composition of Ontario's population. The proportion of native-born was affected by the relative sizes of contributions made by immigration and natural increase. These two factors also affected the religious composition of residents.

Kalbach and McVey (1979) pointed out that the early settlements in Canada took on the cultural complexion of the immigrant's national origins. Those communities established by immigrants from the British Isles were characteristically Protestant. In general, the degree of religious homogeneity was much less, however, since there were many denominations to be found in most Protestant communities. Data for Upper Canada, they indicated, was lacking, but 1842 census material suggested that most of the several hundred thousand people in the area

The Central Prison, built in Toronto in 1874, was the province's first provincial correctional facility for adult men and women.



were non-Catholic. Indeed, the Roman Catholic population of Upper Canada was only 13 per cent while the Church of England at 22 per cent was the single largest denomination. The second-largest group was the Church of Scotland with 16 per cent of the population. Presbyterian churches combined amounted to 20 per cent of the population and all Methodist groups to 17 per cent.

Burnet (1972), too, pointed out that Upper Canada by 1851 had a population that was extremely heterogeneous and immigrants entering the area did not enter an area with a dominant culture and social structure. Within 10 years that seemed to change, and, with the third Canadian census in 1861, there were indications that a pattern of population had been established. Schull (1978) noted that more than half of the Upper Canadian population (62 per cent) was native-born and mainly of British stock. A further 20 per cent had been born in the British Isles. There were more Scots than English and more Irish than Scottish. Some 3 per cent were of French origin and approximately 4 per cent American-born.

Upper Canada by this time was overwhelmingly British and evidence was beginning to show that to have certain cultural characteristics was an advantage. In describing the various settlers to the area, Burnet (1972) noted that lower class English settlers, poor Scots and Irish Protestants from Northern Ireland were relatively good settlers and did well for themselves. The southern Irish did not take up farms and when they arrived tended to hire

themselves out as labourers. They postponed settlement on the land beyond the four or five years needed to obtain a stake. Instead, they drifted from town to town, worked on public works and were generally transient labourers.

Katz (1975) convincingly describes how ethnic and immigrant status were integral aspects of social inequality in Upper Canada. In his study of the City of Hamilton during the mid-1800s, he found that being English-born and a member of the Church of England or being Canadian-born and Presbyterian went hand in hand with power, privilege and occupational opportunity. Irish Catholic immigrants on the other hand had limited opportunity. Burnet (1972) reported similar findings and also maintained that the land-holding Loyalists and Scottish merchants formed the upper class who supported the Anglican Church and emphasized social distance between themselves and the lower class settlers. The frontier influences were expressed by the Methodists and the conservative interests by the Church of England.

The Church of England was in a privileged position in early Ontario chiefly because of the vast amounts of land allotted to it but also because it was highly regarded by the government and leading inhabitants. As Glazebrook (1971) noted, it found ready support from town officials and associations of the oligarchy and well-to-do people.

Irish Catholics constituted the vast majority of labourers in the public works. In many regions the perceived undesirable behaviour of some earned them an evil reputation. Their low social

status, coupled with already-existing prejudices against Irish Catholic immigrants, resulted in their emerging as a group of people who had only limited prospects for improving their social status.

Darroch and Ornstein's (1980) look at the period of 1871 provided a detailed cross-classification of religious affiliation by ethnic-origin. Their analysis of this data led to occupational distributions of various ethnic groups. Their findings suggested that little had changed in Ontario by this period. Irish Catholics were predominantly impoverished and the English-origin Church of England population formed something like an establishment status group.

The Development of the Ontario Prison Systems

As the provincial population grew, so did the prison system. In the late 1700s and early 1800s the Upper Canadian population was not large enough to warrant a large penal facility and, therefore, all criminals who required incarceration were housed in locally-administered gaols or lock-ups. As the 1830s approached, however, it became evident that a large prison in a central location was required and so in 1835 Kingston Penitentiary (named the Provincial Penitentiary) was opened. All men, women and, in some cases, children, who received lengthy sentences and could not be kept in a local jail, were transferred to Kingston.

In 1859, the Upper Canada Reformatory for youthful offenders under the age of 16 opened at Penetang,

and from that date forward only adults were incarcerated at Kingston.

Gradually, legislation was introduced that required the provinces to be responsible for those adults serving sentences of less than two years. Shortly after Confederation, plans were prepared to build a provincial prison in Toronto and in 1874 the Central Prison was finally opened. It received adult men and women serving sentences long enough to make it feasible to move them from local jails. Adults serving sentences of more than two years in length continued to be transferred to Kingston.

The federal system remained relatively small and Kingston Penitentiary remained the only federal facility in Ontario. In 1931, Collins Bay Penitentiary opened and in 1934 the Prison for Women opened. These three prisons constituted the total number of federal prisons between the years of 1861 and 1951.

The provincial system grew rather dramatically. Although the Central Prison was short-lived, 1874 to 1915, many facilities began to be constructed from 1880 onwards.

As reported in assorted Ontario sessional papers, several provincial facilities opened, and in some cases closed, between 1874 and 1951.

Historical Sequence of The Opening of Federal and Provincial Adult Prisons and Reformatories in Upper Canada and Ontario

1835 — Provincial Penitentiary

1874 — Central Prison

1880 — Mercer Reformatory
1907 — Monteith Industrial Farm
1911 — Industrial Farm at Fort William
1912 — Toronto Municipal Farm at Concord
1912 — Toronto Municipal Farm at Langstaff
1913 — Mimico, Clay Plant Prison Farm
1914 — Industrial Farm at Burwash
1915 — Ontario Reformatory
1915 — Whitby, Asylum Prison Farm
1930 — Collins Bay Federal Penitentiary
1934 — Prison for Women
1947 — Rideau Industrial Farm
1947 — Ontario Reformatory at Brampton
1949 — Burtch Industrial Farm

Nativity and Religion of Prisoners in Upper Canada and Ontario

The annual reports of inspectors found in both federal and provincial sessional papers provides an abundance of information related to the characteristics of the prison population during the years 1851-1951. Only place of birth and religion as reported by prisoners, however, was common to both sets of sessional papers.

With this information it was possible to determine the relative percentages of prisoners born in different countries and the relative percentages of religious affiliation of prisoners for each decennial year for the period noted above. Once this had been done it was

also possible to make comparisons with the general population.

Irish-born prisoners in both federal and provincial prisons were over-represented in all decennial years from 1861 to 1931, but particularly in the years 1861, 1871 and 1891. American-born prisoners were over-represented in all decennial years from 1861 to 1941. Foreign-born prisoners, excluding American and British-born, were also over-represented during this period. Canadian-born prisoners were under-represented from 1861 to 1931.

In terms of the religious composition of federal and provincial prisoners, the analysis conducted clearly indicated that the Roman Catholic prison population was much higher than would normally be expected, given the relative strength of that religious group in the province as a whole. In every decennial year during the 90-year period studied, Roman Catholics were over-represented in the prison population. Presbyterian, Methodist and United denominational groups in the prison population on the other hand were under-represented during this same period.

Discussion

A review of the social-historical development of the province provides clues as to the reasons for over-representation of some groups in the prison population and under-representation of others. Clearly, during the middle portion of the 19th



The staff dining room area at the Mercer Reformatory which opened in 1880.

century, English and Scottish settlers of Church of England, Presbyterian, Methodist and United affiliation were the dominant social group in Upper Canada. It is not surprising, therefore, to find relatively few people of this social group languishing in prisons or reformatories. The transient, sometimes employed, often unemployed, Roman Catholic Irish labourer, on the other hand, was not so lucky. As a result, there was a disproportionate number of this type in penal facilities during this period. They were the group of immigrants entering Upper Canada at the bottom of the social structure, and so helped to contribute to the problems of law, order and overcrowding of gaols. The problem was so acute, in fact, that in 1845 an act was passed to preserve peace and prevent riots and violent outrages at public work sites where Irish made up a large number of labourers (Clark 1942). Americans, too, many unskilled and, therefore, unemployable, found themselves in prisons. Among their number were some black Americans, many of them smuggled into Ontario by the underground railroad.

In order to have a clearer understanding of the over- or under-representation of certain groups, other

factors such as peak immigration periods, the selective nature of immigration policy, the unemployment rates during certain periods, and changing political climates would have to be examined. Future researchers may wish to look at those variables and also examine data related to the lock-up and

jail population. This effort has only looked at two characteristics of the bi-centennial prison population. It does, however, provide a "peek at their heritage", and, at the same time, gives an insight into the great deal of additional research work that still needs to be done. ■



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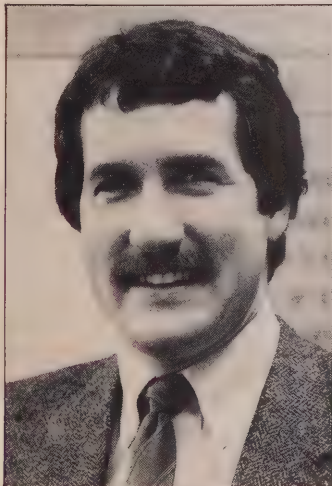
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Review of intensive supervision concepts

by Jim Bunton

The development by this ministry of the Level of Supervision Inventory (LSI) classification system in Ontario has been a significant step in identifying "high-risk" offenders. It now remains to ensure that we are providing programs that meet the identified needs of this group, for their own sake and for the protection of society.

Before discussing some appropriate responses and making recommendations for an intensive supervision program in Ontario, it will be important to understand the climate into which these programs must fit.

Corrections in general, and probation specifically, exist in a society that holds wide-ranging and sometimes contrasting expectations. Clear and O'Leary (1983) point out that new legislation in the United States proves the public is willing to adopt increasingly harsh approaches and, as Ackerman has pointed out, court decisions have underscored that probation and parole officers must take reasonable measures to safeguard the community.

On the other hand, recent research in Canada suggests that the public's attitude results from lack of information. The Honourable Mark MacGuigan, former federal minister of Justice and Attorney General of Canada, outlined this in a speech to the Canadian Association for the Prevention of Crime in November 1983 when he said that "the Canadian public is not the punitive, retributive group of individuals it is typically and unfairly reported to be." The source of this conclusion was a report at that time which showed that, when given information about a case that came from sources other than media reports, respondents were supportive of the sentence arrived at by the court. Also, the work of Doob and Roberts found that, in some cases, the court had been too harsh, rather than too lenient. Unfortunately, most people in society don't have access to this kind of information which could modify their views. Recent public reaction regarding parolee crimes is a clear indication of the expectations placed on those of us in the criminal justice system.

In the *Professional Protection* magazine, growing fear on the part of law-abiding citizens ("crimeaphobia") is seen as a valid concept. The authors state: "The average citizen cannot rely upon the criminal justice system for protection and believes it safer to own and possess a firearm for self-defence." Simply put, community programs must

justify their existence in a society that is suspicious of dispositions that don't lock up an offender for at least a definite length of time.

Probation

While Ontario judges might be more knowledgeable in their approach to sentencing because of the access to more relevant information, they have been critical of some of the policy decisions of this ministry. Many of them consider probation supervision to be lenient.

Probation has not been used as an alternative to incarceration and our experience with community service orders (CSOs) over the first few years seems to underline the judges' reluctance to accept programs directed toward keeping candidates for incarceration in the community. Recent informal research suggests that some of these judges are modifying their views somewhat, but it seems fair to say that a general lack of faith exists in our ability to handle certain offenders in the community.

On the other hand, some authors suggest that, public opinion aside, probation is not lenient and is, in fact, punishment. Greenberg describes strict probation conditions as "harassment and denial of fundamental constitutional rights." Singer has said clients can be described as becoming "subjugated subjects" when under supportive surveillance. Some of us have heard offenders express similar viewpoints in slightly clearer terms.

Bassett argues that the use of discretionary power by probation agents needs to be severely curtailed to provide appropriate procedural safeguards for probationers. Czajkoski, Studt have criticized the process of controlling morally undesirable behaviour. In Folkard et al., it was reported that clients interpreted high intervention as high control. The majority of probationers, he found, could not remember receiving the help that was supposed to have been provided. Barkdull provides an extensive list of the various interventions which can result from a probation order and suggests a more honest approach would be to rename the process "community control".

Correctional "Treatment"

Corrections is still reeling from the "nothing works" blow that Martinson

delivered several years back. Despite the efforts of some, notably Gendreau and Ross, to counteract these arguments, corrections has suffered from some rather negative press over the years. Prisons can always at least provide incarceration fairly effectively, even when they are overcrowded or non-rehabilitative. Community programs have, on the other hand, been under pressure to provide models that are measurably "successful". A major criticism, as pointed out by Adams, Andrews and Szabo, has been the lack of a theoretical base on which to provide service. Whereas the work of probation officers is described by policy or legislation, this is not a theoretical foundation and as Harlow says, we have not been able to clearly establish under what conditions probation works.

On a more positive note, it should be remembered that as Ross and Fabiano, 1984, have shown, there have been instances of effective correctional treatment in a variety of correctional settings and with a variety of offenders. Nevertheless, Pierce has wondered how corrections got saddled with the burden of providing rehabilitation when psychologists and psychiatrists have always avoided claiming to do so. In fact, Wilks and Martinson recommended that corrections should get out of the treatment business altogether and Willis stated that "probation, as help, could never be more than an elaborate pretense." The focus of the argument seems to be in the treatment versus surveillance dilemma. Greenberg has cailed probation "coercive treatment" and Gendreau and Ross refer to agents "with Freud in one hand and a revolver in the other." The client's right to self-determination is a basic social work principle but, understandably, correctional authorities feel compelled to qualify that with legal restrictions on certain behaviours. One suggestion made by Smith and Berlin, is to restrict only the behaviour which relates directly to the court appearance, while some, such as Jaywardene, et al., have suggested the separation of the surveillance and helping roles through the mobilization of community resources to provide outside help. Our use of volunteers to "befriend" cases while regular probation officers (POs) "enforce" is a familiar routine. For the purpose of this study the dilemma is no less pronounced. Intensive supervision programs generally have an increased surveillance aspect to them (along with whatever services might be provided)

and the desire to increase the service available to our high risk/high need clients is partly in response to a concern for closer scrutiny of offenders who might be a danger to others, themselves or the image of this ministry. The question to be addressed later is the role that probation and parole officers (PPOs) might assume under any new program. Do we wish to increase counselling skills or do we need to establish programs that can be seen as alternatives to incarceration by imposing a higher degree of surveillance?

Probation Officers

Finally, an understanding of the present climate requires a more detailed look at workers in the system. Although her study was directed toward parole agents in California, Eliot Studt's discussion of the relationship between offenders and agents is applicable to other roles within the criminal justice system, particularly PPOs. She, like Cohn, sees agents as trying to fulfill a role where they are expected to be all things to all people, and naturally not succeeding.

While operating under what Marshall/Vito have termed a "non-system", POs are delivering what Clear/O'Leary have described as providing only what they know how to provide. In addition, Cohn says that correctional agencies are committed to finding ideal processes for providing what they think is needed.

Clear/O'Leary point out and Studt agrees that POs fall into the activity trap and end up providing "ad hoc reactive behaviour with only sporadic use of help by clients." Clear and O'Leary also describe agents going "from theory to theory, from technique to technique" and even the use of resources is frequently haphazard and unplanned. Although a "general case-work approach" is said to prevail in probation, studies such as Normandeau in Szabo et al. have suggested that "relationship" is probably more important to the agents than the clients. Studt argues that perhaps the real issue is staff needs. Willis has found that some staff even avoid the authority role and failed to mention it at the initial interview and others rated "care" as more important than "control". It was mentioned earlier that clients don't always remember receiving help that agents said had been delivered but clearly remember the control. (Cohn says offenders are giving us a bad name.) Page noted that 78 per cent of probation officers felt the emphasis of our service should be "rehabilitation" and, in response to Gaskell's proposal for a change of emphasis, suggested our ability to "treat" was greater than our ability to control. But, relationship-oriented POs can probably gain some satisfaction from Andrew's report that

the effective use of authority plus a high interaction/high liking relationship could achieve positive results with offenders.

Intensive Supervision Programs

Response to the need for "new improved" correctional systems has come in various forms. For instance, in Texas, Intensive Supervision Probation (ISP) is a sentencing alternative for offenders who would otherwise be sent to prisons of the Texas Department of Corrections. The program, therefore, requires the active involvement of the sentencing judges. It is not an alternative to regular probation and it might also include offenders who have already served a sentence or who have been through a revocation hearing. Through a presentence investigation, an offender is categorized as a suitable candidate after meeting certain eligibility requirements (relating to prior convictions, chronic unemployment, alcohol or drug problems, mental capacity, and the like) and an individualized supervision plan is developed. "Supervision" is expected to be "consistent with need and risk". The agent uses community resources, including purchase of service, to provide safety to the community and to "promote responsible behaviour". Staff are carefully selected and trained and caseloads range from 25 to 40. There are strict guidelines for ensuring limitations in caseload size. The available statistics show that a large proportion (65 per cent) of the ISP clients have high risk scores but a noticeably smaller proportion have high need scores (19.5 per cent). ISP clients have fewer incidents of new convictions compared to regular probation clients (65 per cent vs. 80 per cent) but experience more technical violations (28 per cent vs. 14 per cent) probably because of increased surveillance. (TAPC and Gettinger)

Fields et al. describe judges in Texas as considering caseload sizes and available treatment when granting probation and as reportedly reluctant to use "regular" probation because of its failure to reduce recidivism.

Although revocation of ISP clients is rather high, the demand for this program by the judges is said to exceed the supply. One important factor seems to be the amount of control that a judge can exert in this program. It is also suggested that judges see intensive supervision probation as more effective than parole for this reason.

A similar program, Intensive Probation Supervision (IPS), exists in Georgia. Specific terms of probation are prescribed which result in expectations for the officer as well. A minimum of five face-to-face contacts per week are required (at least two in the offender's home on a week-night; one in the IPS office; one at the place of employment;

and one in the home on the weekend) and the curfew of 8 p.m. must be randomly checked at least twice a month.

IPS probationers are in the state-wide computer system which immediately informs agents of new arrests and they must perform at least eight hours of community service order (CSO) per week (or 20 hours of CSO if they are between jobs). They must be employed full-time and restitution payments must be kept up-to-date. A monthly fee of between \$10 and \$50 is charged.

Certain criteria exist for excluding offenders from the program and two officers work as a team with responsibility for no more than 25 cases. The senior officer is described as a "typical" probation officer, while the junior officer is responsible for "surveillance". Public response to this program is reportedly favourable to date although no major incidents have surfaced so far. (Gettinger, Conrad)

It should also be noted that, particularly in the United States, high intervention is often achieved through probation conditions. Examples are: submit to search and seizure upon request (Greenberg); provide urine samples; submit to polygraph tests (Teuscher); follow a prescribed diet (New Jersey).

It is interesting to look at a couple of other programs although their application to our system seems unlikely. Electronic surveillance is being tried in New Mexico. Offenders are fitted with a bracelet ("electronic handcuffs") which triggers an electronic barrier when they enter or leave their residence. This is a means of enforcing curfew, and failure to trigger the device results in a computer telephone call to the probation office. The manufacturer also reports signing a contract to test the program in Illinois. (NIMCOS, Corrections Digest)

Ingraham and Smith have reported a proposal involving brain implants for telemetric observation of parolees in California.

Meanwhile, *Liaison* reports an unemployed truck driver in Florida is serving time in his own residence under "house arrest," and according to Ingstrup, 10,000 people in Denmark are waiting to serve sentences when prison space becomes available.

Other Programs

A review of the available literature and the existing programs reveals a considerable number of projects which incorporate increased contact with clients using a specific counselling approach as a means of providing "intensive supervision".

They generally fall into three categories (Harlow 1970):

- (1) special probation units — called "probation plus"

- (2) non-residential treatment centres — attendance centres, and the like
- (3) residential program and out-of-home placement alternatives

(These last two are more familiar to those of us in Ontario.)

Some of the characteristics that are essential to the first category of programs are:

- most clients are drawn from existing caseloads, therefore, the programs are not sentencing alternatives
- various degrees of classification systems were used although most appear to be informal
- officers were chosen for their expertise and/or their interest in the particular client group
- a transfer of workload was involved (new staff were not usually hired)
- funding was an issue (usually increased funds not available)
- use of community resources was essential
- inter-disciplinary teams were used
- out-of-home placements were rare (as a direct result of these interventions)
- reduced caseloads were seen as necessary
- judicial orders and control varied
- some programs attempted to match client and officer
- there were varying degrees of success claimed, but many appeared to make no significant difference in recidivism rates

While we learned a lot from the experiences of our correctional colleagues, it soon became obvious that there was no program that we could adopt holus-bolus to meet our needs.

There have been some attempts to respond in similar ways in Ontario. A proposal for a temporary absence program (TAP) incorporating intensive supervision was made in 1983. Intensive supervision as a sentencing alternative was recommended in 1981. Programs of structured surveillance have been tried in Sudbury and Windsor along with a residential service in Kapuskasing.

Another Ontario initiative, the Reasoning and Rehabilitation Project in Durham Region will provide a variety of cognitive training techniques of up to 120 hours for each offender. These techniques are judged to be most relevant to offenders in a probation setting. This experimental study will involve 75 clients who will be randomly assigned to one of three groups:

- (1) intensive probation and cognitive training
- (2) intensive probation without cognitive training, but with attention control activities
- (3) regular intensive probation

(The researchers have not established a new definition of intensive supervision but refer, when questioned, to the kind of supervision already being given to high-risk clients.)

The researchers have emphasized the need to allow this experiment to be

completed (including evaluation and follow-up) before embarking on any other cognitive learning programs. We eagerly await the results.

Maximum Impact Counselling (MIC) is presently being offered to PPOs in Ontario. An estimated 80 officers have received training since October 1982. The theories, developed by Maria Kelly from Laura Epstein's task-centred approach, are a concrete problem-solving companion to LSI, which encourages collaborative selection and resolution of target problems and is adaptable to a variety of behaviour change techniques. Its goals are to provide effective client assistance, responsive community protection and efficient program delivery in the face of the challenges presented by lack of co-operation from clients with a complexity of needs in a period of constraint. If, as some people have noted, our service suffers from a lack of theoretical base, MIC provides an opportunity for objective-based counselling with measurable results.

Developing a Program in Ontario

In view of a rather negative or at least suspicious public mood, supported by the "nothing works" school, it now remains to try to establish a basis for the improvement in our service to high risk/high need probation clients.

Greenberg asks how a society that didn't present enough opportunities to prevent crime can subsequently be expected to play a part in rehabilitation. Both he and Harlow note society's ability to sabotage re-integration. The provision of "coercive treatment" with no certainty of punishment is ineffective and Wilks and Martinson recommended increasing that certainty to control behaviour. High surveillance was shown to increase the number of technical violations rather than reduce the rate of recidivism, and Folkard et al. noted that high risk cases actually did worse than expected under high control/low need supervision. Banks et al. demonstrated that the old theory, that more time given to an offender will result in a more intense relationship which will have an effect on recidivism, no longer holds. It would be unwise, therefore, to simply embark on a program of increased surveillance and contact in hopes that our ability to service high risk cases would somehow improve.

The programs which have been researched contain some basic elements which seem appropriate to our use here. The essential points will be discussed.

Offender Classification

A system of classification for clients must exist. Wilks and Martinson suggested three categories:

- (1) suspendees (no supervision)
- (2) trainees (varying degrees of supervision)
- (3) isolates (incarcerates)

Adams developed similar groups but referred more specifically to cases already under community supervision:

- (1) don't require supervision
- (2) require supervision of one kind or another
- (3) requiring highly-professional services

These correspond roughly to our LSI score of minimum, medium and maximum risk/need. Jaywardene et al. have developed three categories that relate more directly to the PO's performance:

- (1) supervision emphasizing controls
- (2) supervision emphasizing services
- (3) minimum supervision

This leads us to the next step, which is to match clients to the appropriate officer services.

Officer Classification

Officers possess various areas of expertise and interest and need to be assigned accordingly. It was discussed earlier that "relationship" is not enough. Those cases where an offender and officer "hit it off" are probably not productive "counselling" relationships but rather a coincidental matching of two personalities. The personality of an officer, nevertheless, can be significant (Gendreau and Ross, Andrews). However, flowing from Jaywardene's classification of clients (above) are similar groups of officers — control agents, service agents and minimum supervision agents. These roles would be spelled out in detail and carefully monitored.

Many officers in this province are presently receiving cases which fall into their field of interest or expertise — such as alcohol or drug cases. In this way, many fulfill the role of "service" agents and almost all officers do so on an ad hoc basis with clients at various times. Others, by their supervision style, may appear to be "control" agents. However, the clients may vary in the intensity of their needs. I am not aware of any programs which include a description of expected officer behaviour within the designated classification. It seems to me to be a logical step to set supervision standards once the client has been classified.

Treatment Matching

Having established offender and officer classifications, the third element is effective treatment matching (Harlow, Adams, Clear, Marshall). It might seem obvious to suggest that each offender has individual needs to be met,

but so often the activity trap and the probation non-system result in giving clients a bland diet of service that is adequate (at best) for everybody and is "good" for nobody. Rather than limit recommendations on presentence reports (PSRs) to a candidate's suitability for probation, specifically, LSI-type needs could be stated and subsequently reinforced by the probation order. Clarke says the "primary rehabilitative objectives" of probation should be stated in court. Clear recommends a preliminary social investigation (PSR or otherwise). This is distinguishable from the regular informal discussions that might take place at intake or in the course of reporting interviews. The "treatment" program, which includes probation "conditions" must be consistent with need at each step of the way.

Caseload Size

As early as 1951 in Ontario, Fred Caunt said that the work of probation officers was being inhibited by the size of caseloads (Crowley). My experience has been that most "new" programs raise the issue of reduced caseloads at one point or another. Vetter and Adams have shown that a reduction in numbers is not effective in itself and that the minimal increase in time that can be given to offenders through hiring a few new staff is of no significance. In fact, there is evidence to suggest that increased contact can be dangerous. As Barkdull states: "The officers that carry 200 or 300 cases don't have to know what they are doing because they don't have time to do it anyway. The officers with 20- or 30-person caseloads better know what they are doing or they may make matters worse rather than better." Manageable caseload size is essential to improve service, but only as a part of the overall picture. Within the course of establishing client and/or officer groups which will result in clearly defined behaviours for offenders, it may be appropriate to establish caseloads of various sizes. For instance, Texas is considering using a system of points to establish this. If the assigned maximum point total is 200, for example, then a caseload could be 40 cases valued at 5 points (high risk) or 200 cases valued at one point (low risk, no report, and so on). For our purposes, it might be appropriate to establish a caseload or minimum supervision that is limited to no reporting or write-in/phone-in cases. This issue has already been addressed in preliminary reports from the ministry's eastern region wherein an officer would have to justify time spent with minimum supervision cases (which are presently on a regular caseload). It is conceivable that certain officers might prefer to work on an entirely administrative caseload, if not indefinitely, at least on a rotation or time-limited basis.

"Intensive Counselling" programs (and this appears to be a more appropriate term for our purposes) seem to be most effective when they can provide service related to worker action and offender behaviour. Studt reported that the more practical and specific the agent's service, the more probable it was that it would be remembered as helpful by the parolee. In my view, an objective-based program should include these features:

- (1) objectives based on client behaviour, not personality or attitude
- (2) a clear description of these behavioural objectives including terminal behaviour (expected outcomes) and criteria for measuring the behaviour
- (3) a limited number of realistic objectives
- (4) a limited time period
- (5) intervention related only to risk-reducing behaviour
- (6) client participation and agreement
- (7) case recording which reflects the objective-based approach
- (8) supervision and evaluation of staff related to objective-based approach
- (9) the development of specialized caseloads including large numbers of minimum supervision cases and lower numbers of "intensive" supervision cases (based on a workload indicator yet to be developed in this ministry)
- (10) standards for minimum contact, accountability, and so forth
- (11) regular review of risk classification and re-classification as indicated.

Conclusion

Faced with the challenge of providing service to high risk/high need offenders, it seems to be time to embark on a project designed to provide an objective-based approach to probationer counselling. Not only would PPOs be taught the model (as is presently the case), they would subsequently be monitored as they implement the model to a target (high risk) client group. Within this model would be specific standards for supervision of all clients, regardless of

LSI classification. Specialized caseloads of varying sizes would reflect these standards. As a means of evaluating the program, supervision of staff would include reference to their performance with the standards.

I'm not proposing the objective-based counselling approach as a cure-all for the perceived ills of community corrections in general and probation in particular. What it does provide is an opportunity to explore a service that frees a probation officer from the reactive activity trap of offender supervision and allows for "planned change" in co-operation with our clients. It is a response to those who are critical of the non-system of probation counselling and its features are applicable to a range of risk/need offenders.

The application of an intensive counselling approach by well-trained staff, who are given the opportunity to apply it rigorously over a specific period of time, could result in an increased quality of service to clients and could help to elevate the image of probation in the public view. While the intensive counselling approach presently is directed towards existing clients, it lays the foundation for future programs that could be offered as sentencing alternatives or for the release of offenders from incarceration. ■



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On understanding correctional statistics

by A.C. Birkenmayer

By tradition, correctional jurisdictions practise what I call the bookkeeping method of keeping statistics. By this method, one counts the number of admissions, the number of releases, the number of persons in at the start, and the number of persons in at the end of the period. Hopefully, it all balances out. Quite often, daily count data are kept independently from admissions data. This method of keeping data leads to some degree of confusion. It may make some sense in the federal penitentiary system where the duration of stay is long, but in the provincial system, it makes little sense at all. The actuarial method of counting leads one to forget that one is dealing with people. In the provincial systems, admissions never translate into persons. Moreover, the lengths of sentences involved can be very misleading.

In Ontario, correctional data are computerized in a client-based information system. For historical reasons, the system is called the adult information system (AIS). All the data presented in this report are derived from the AIS files. For purposes of clarity of exposition, only data on males will be presented. The sole exception is Figure 1.

There are two major methods used in describing correctional workloads. One is the rate of admission, the other is the static population, which is the number of persons in the system on a typical day. Quite often, attempts are made to describe the static population in terms of the admission cohort. It is not unusual to read that: "The majority of inmates in provincial prisons were there for sentences of under 30 days." As the statement stands, it is true. One is often left, however, with the impression that on a given day, the majority of provincial inmates are serving very short sentences.

Many people tend to forget that short-sentenced inmates, by virtue of the very length of their sentences are in jail for very short periods of time. Figure 1 has been devised in an attempt to demonstrate the problem. On the left side of the figure is the per cent distribution of sentenced admissions to provincial institutions in Ontario in 1983/84. We see that 20.8 per cent of all admissions had sentences of under eight days. Altogether, 53.5 per cent of the admissions have sentences of under 30 days. It should be noted that almost 95 per cent of admissions involve sentences of less than a year. In many jurisdictions those serving sentences of

less than one year would be held in local jails. Only 5.1 per cent of all admissions had sentences ranging from one year to two years less a day. On the right side of the figure, the percentage of the total time to be served by each group is depicted. Thus, persons serving sentences of under eight days account for 1.3 per cent of all the sentenced time which must be served in a provincial institution. On the other hand, persons serving over one year account for 36 per cent of the time to be served. The fact of

the matter is that it takes 1.3 per cent of the sentences to equal one year.

The right hand column of Figure 1 is a fairly good surrogate of the average daily population of provincial institutions. On a given day, one can expect about 8.5 per cent of the sentenced inmates to be serving sentences of under 30 days, despite the fact that they represent the majority of admissions. On the other hand, over a third will be serving a sentence of over a year, even though they make up such a

FIGURE 1

RELATIONSHIP BETWEEN ADMISSIONS AND TIME TO BE SERVED IN PROVINCIAL INSTITUTIONS

SENTENCE LENGTH	PERCENT OF ADMISSIONS	PERCENT OF TIME TO BE SERVED
Under 8 Days	20.8	1.3
		4.1
		3.1
8 - 15 Days	22.8	15.1
		16.7
16 - 29 Days	9.9	23.7
30 - 89 Days	23.6	36.0
3 - 6 Months	10.7	
6 - 12 Months	7.1	
12 - 24 Months	5.1	

FIGURE 2

MALE ADMISSIONS IN 1983/84

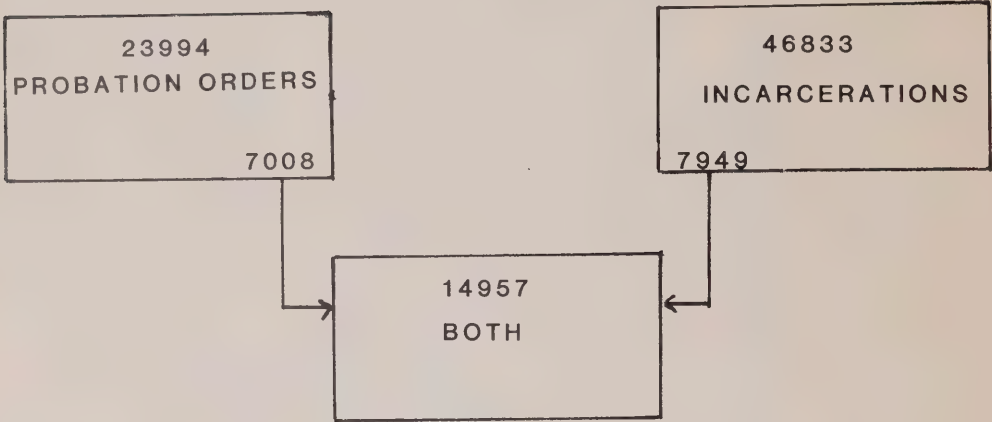
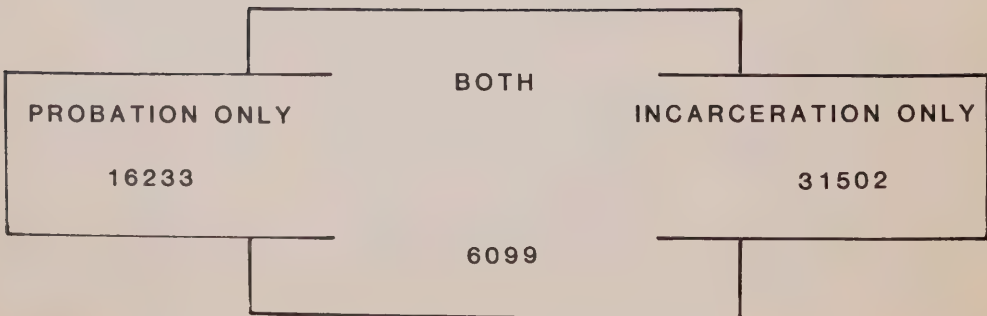


FIGURE 3

MALES ADMITTED IN 1983/84



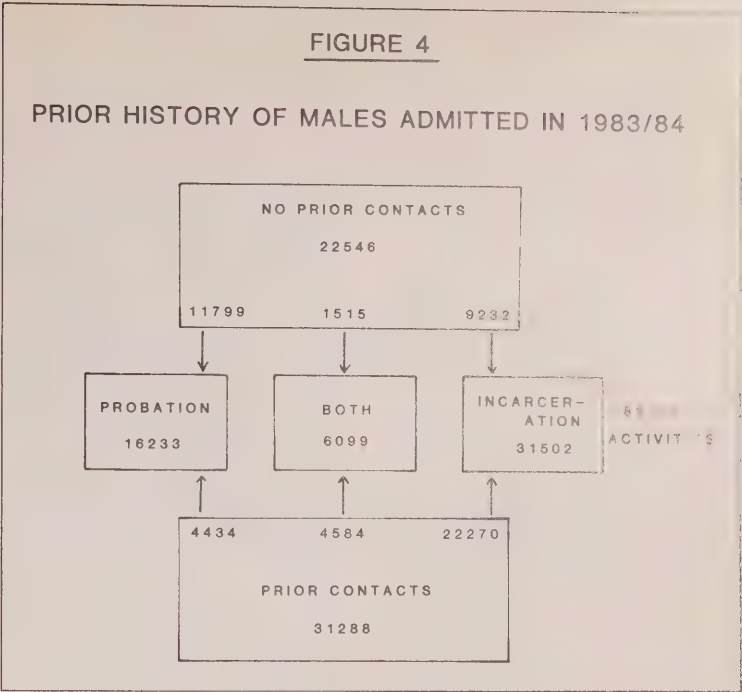
small proportion of the admissions. Clearly, the admission data do not describe the static population. A similar figure could be drawn to show that the majority of inmates on a given day are not fine-defaulters or are not sentenced for trivial offences, even though they represent large admission cohorts.

Returning to the issue of admissions: it is often the feeling that admissions equal persons. One quite often sees admissions described as "persons admitted". This again can be problematic. Some persons have a nasty habit of being admitted more than once. The problem becomes particularly vexing when one has to deal with both probation and institutional services.

In Ontario, there were 46,833 sentenced male admissions to a jail or detention centre during 1983/84. There were a further 23,994 probation orders put into effect during the period. Thus, one would be tempted to say that there were 70,827 sentenced males admitted into the system. However, the experienced correctional worker knows that transactions do not equal the number of persons involved. For one thing, there is some overlap between probation and institutional activities. In Figure 2, the degree of overlap is shown graphically. Of the 70,827 transactions, 14,957 (21 per cent) were of persons who were admitted into both systems.

Quite clearly, dealing with occurrences of admissions does not aid in understanding the situation. In Figure 3, the transactions described in Figure 2 are translated into individual persons. The 70,827 occurrences become 55,834 persons. There were 22,332 males placed on probation and 37,601 males who were incarcerated. However, 6,099 males were both incarcerated and placed on probation. Thus, 11 per cent of the males had an experience with both systems during the year. In addition, there were within-system overlaps. The most obvious occurred on the institutional side. Clearly, some men are incarcerated more than once during the year. In the current situation, 37,301 men were incarcerated a total of 46,822 times during the year.

At this point, one must begin to wonder about the so-called revolving door phenomenon. If there is this degree of overlap in one year, what would be the degree of overlap over a criminal career? The AIS has stored within it institution data from Apr. 1, 1975 and probation data from Apr. 1, 1978. Being a client-based system, the prior history of the offenders can be determined. Almost 60 per cent of the 54,834 males had some prior contact with the services of the ministry. In Figure 4, the exact nature of these prior histories is depicted. Over half (59 per cent) of the men with no prior contacts were placed on probation, whereas, 86 per cent of the men with prior contacts were incarcerated. It would appear that probation is used for first offenders,

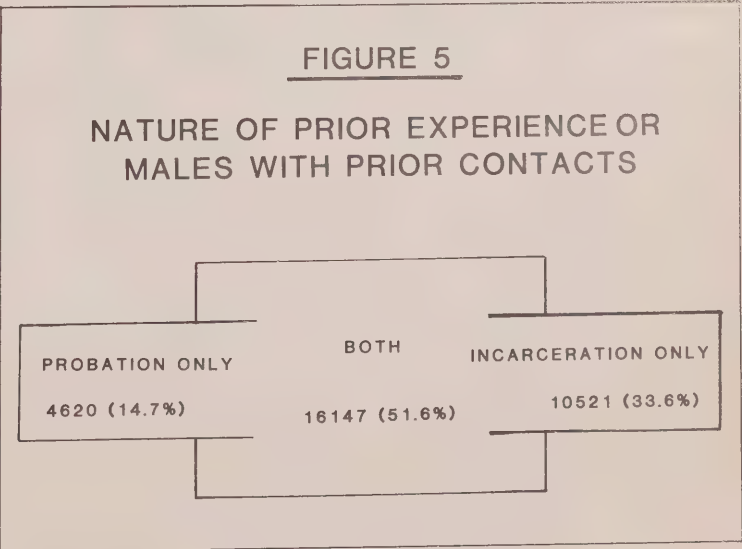


whereas, incarceration is the disposition of choice for recidivists. It should be noted that almost half (46 per cent) of the males with no prior contacts, who were incarcerated, were fine-defaulters.

The nature of the prior experiences of the males with prior contacts is shown in Figure 5. Significantly, the majority (51.6 per cent) had a contact with both the community and the institutional side of corrections. Almost a third had only institutional experiences, the remaining

approximately 15 per cent had only probation experiences.

It is evident that a large number of offenders have in the past, or presently have, contacts with both community and institutional corrections. In Figure 6, the exact nature of these contacts is shown. In 1983/84, 6,099 males were admitted to both services. An additional 16,147 had prior experience with both probation and incarceration. A total of 4,697 (2,137 and 2,560) who had prior



experiences with only one venue were placed into the other service. Altogether, 26,943 males, or 50 per cent of all the males dealt with in 1983/84 had, at some time, experiences with both probation and incarceration. However, 81.3 per cent of the men with a prior history with the ministry had served both a term of probation and a sentence of incarceration.

Several points emerge from these data. A book-balancing approach to correctional statistics masks important facts. If one is to gain an understanding of the system, one has to use more complex levels of analyses. It should be evident that in a jurisdiction that is responsible for jails, that admission data quite often do not describe the static populations. This is particularly important when plans for alternative programs are being laid. If one wishes to reduce the pressure on crowded institutional facilities, the effort should

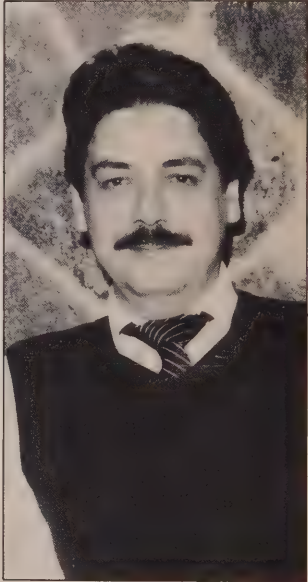
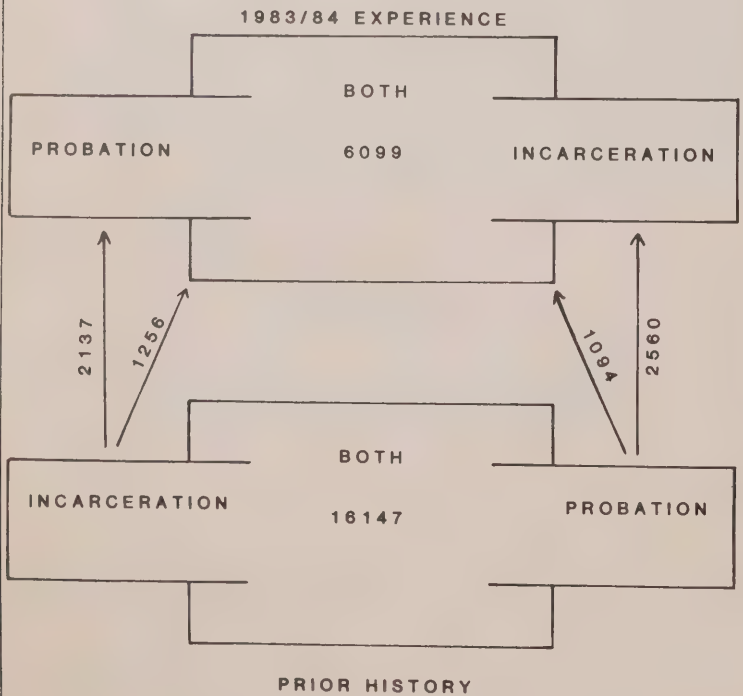
be directed at cohorts who have large representations within the static population. Developing alternative programs for a target group which is large within the admission cohort but small within the static population may, in the long run, be counter-productive. One has to deal with a very large number of people with very little impact. Another trend which emerges from these data is that incarceration must be seen as an alternative to a community program. The majority (71 per cent) of the people who were admitted to the services of the ministry, for the first time in 1983/84, were either on probation or served time in default of paying a fine. On the other hand, the majority (71 per cent) of the individuals who were known previously to the ministry were incarcerated. The vast majority of men with a prior contact (81 per cent) had been at one time or another on probation. In many

instances, one may be faced with the dilemma of developing community alternatives for a program which is an alternative to a community sentence.

Correctional data, because they represent involved events, are complex. Therefore, in order to gain any real insight into the issues, complex analyses are required. If one is to begin to understand the workings of a correction system, one must go beyond the simple nose count data described at the beginning of this paper. These simple counts mask the degree of overlap implicit in the system. The onus on the statistician is not only to carry out the complex analyses, but also to present the data in reasonable understandable ways. One thing is certain — there are few, if any, intuitively obvious relationships. It is very uncomfortable for the average user of statistics to be forced away from simple counts into more complex levels of analyses. The average person has an abhorrence of tables filled with masses of numbers. The fact is that the range of dispositions available to the judiciary form a continuum which is, the correctional reality. It behooves us to then reflect reality in our statistics. ■

FIGURE 6

MALES HAVING CONTACT WITH BOTH PROBATION AND INCARCERATION



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The correction of criminal thinking and behaviour through the cognitive-moral approach

by Dr. Prem Gupta
and Ruth Mueller

The cognitive-moral approach to the correction of criminal thinking and behaviour focuses on the lack of consideration that a person in crime displays toward others whether they are family, friends or other innocent victims. The main components of this approach are:

- acute awareness of crime's impact on others and its unfairness
- arousal of self-disgust for gross injustice to others
- understanding of criminal thinking
- commitment to moral (anti-criminal) living and practice

This approach to treatment is not much different from this ministry's emphasis on the responsibility of offenders, but when its implications are considered carefully, it may have an important bearing on practically all aspects of our service: institutional, community and preventive programs.

Many attempts have been made to explain criminality through academic failure, deprived social or cognitive background, unemployment, lack of employable skills, excessive use and abuse of drugs or alcohol, diet or genetic endowment.

While all of these factors do occur with a high frequency in this population, none of them alone or in combination has explained or predicted criminality successfully. As a matter of fact, for each person that we find involved in crime with any one of these conditions, we find dozens of people with the same condition not involved in crime.

Accordingly, the cognitive-moral approach holds that none of these conditions is either necessary or sufficient to produce criminal thinking and persistent criminal behaviour. There is no attempt made in this approach to explain criminality through some other condition or variable — not even through cognitive deprivation, since not all cognitively-deprived people end up committing crimes.

It is thought that somehow (perhaps through a combination of several factors), some people develop a view of the world and themselves that is totally

self-serving, and in which there is no room for consideration of the welfare of others. These people are looking for excitement or fun at everybody else's expense and they continue being unfair to their parents, friends and numerous victims of their crimes again and again. Even when they are serving time in an institution, or when on parole or probation, their search is on to exploit others and hurt them for some personal gain, however small.

“Their strategy is to make him aware of the reality of his situation: not what others have done to him, but what he has done to others, . . .”

For all practical purposes, for these people, others simply do not exist except as targets or victims. The opposite — to help somebody out, to be responsible, and to think of others' welfare — is the farthest thing from their minds.

Since they have developed elaborate means of justifying their unfair deeds, criminals do not see anything wrong with their view of the world and pattern of behaviour. Justifications or excuses for their crimes fall into five major categories (Sykes and Matza, 1957).

- In denying responsibility, criminals claim that they did not intend to cause any harm or that they were not responsible for their actions at the time (e.g. that they were drunk or upset).
- In denying injury, they excuse their behaviour on the grounds that any resulting damage was only minor (e.g. that the victim's wounds were

superficial, or that the property could be easily replaced).

- In denying the victim, they contend that the victim deserved the damage done to him (e.g. that he was being paid back for an earlier wrongdoing).
- In accusing the accusers, they attempt to switch attention from their own misdeeds to the moral shortcomings of their accusers or judges (e.g. that you have done the same thing when you were in a similar situation).
- Finally, in appealing to a higher loyalty, they argue that their criminal behaviour was necessary because there were extenuating circumstances making it preferable to the non-criminal options (e.g. that they had to steal because their families were suffering and they had no employment or were ineligible for welfare).

Most of the efforts that have been made to reverse the criminal tendency have been directed at remedying one or more of the previously mentioned supposed causal factors — drinking, learning disabilities, unemployment, mental deficiency, cognitive deficit and other such factors.

All have been without much success. Recently some researchers and practitioners have started focusing instead on the offender and his view of the world (Yochelson & Samenow, 1977). Their strategy is to make him aware of the reality of his situation: not what others have done to him, but what he has done to others. How fair is it? Would a fair man do this to others? Did others, in particular his family, deserve in any way what he has dishied out to them? Would he like to continue doing such nasty things to others?

Now, there are two clear-cut alternatives for him: either he realizes the horror of his gross unfairness to others and wants to stop repeating it, or he does not want to hear anything about it and wants to continue exploiting everybody and every situation to his entirely personal advantage. His responses and attitudes to such enquiry

would assist us greatly in classifying him as either ready for change or not.

The cognitive component of this approach is the offender's willingness to see the reality of his negative impact on others clearly; the moral component is his sense of disgust at his unfairness to others.

It is assumed that, during years of maintaining their particular view of the world, criminals develop special competencies in both cognitive and behavioural modes. They become highly skilled in disregarding practically everybody else's well-being or suffering, and in carrying on as though others either do not exist or do not matter. This disregard extends to societal rules and regulations, where it manifests itself in numerous criminal activities. The competence with which a criminal carries on such thinking and behaviour can be viewed as a skill — a "criminal skill".

On the other hand, people who refrain from committing crimes have a totally opposite set of skills of thought and behaviour. They become accomplished at having regard for others' welfare or misery, as well as for the rules and regulations of society. They have consequently had little practice at causing injury to others or breaking the law. Any time they deviate from societal standards, they feel badly, apologize, and attempt not to repeat the behaviour. These people have "anti-criminal skills".

Once the offender is aware of the nature of his criminal skills, and is motivated by his appreciation for the pain these skills have caused, then he is in a position to develop anti-criminal skills which will enable him to function appropriately in society. This can be accomplished through a carefully-designed series of exercises and assignments.

Among offenders within criminal justice systems we have criminals with a variety of secondary problems. Special education people point out the high percentage of criminals who have learning disabilities; people in the field of addictions talk about the large number of criminals who abuse alcohol/drugs; vocational rehabilitation officers would like to train criminals in vocations and find them jobs. If a criminal has those additional problems needing remediation, there are specialists in those other fields to whom he can later be referred.

Who, in the meanwhile, is lobbying for the treatment of criminality, criminal thinking, and behaviour, that all criminals suffer from as a primary difficulty to be first brought under control? Who is there to argue for the provision of resources that would be used to eradicate criminal orientation among offenders?

The challenge for corrections is to decide whether we should devote our limited resources to remedying the

secondary variety of disabilities and deprivations that crop up among criminals, or whether we should focus on helping offenders shed their offensive thought and behaviour. It seems possible now that criminal thinking and, therefore, its ensuing behaviour can be remedied by itself directly, by having the offender practise responsibility in all situations, without having to go through intermediate steps of giving up alcohol, improving reading ability, or finding a job.

“The priority of all rehabilitative programs in the criminal justice system should be to awaken an offender’s sense of fairness to others ...”

Furthermore, because of the absence of causal relationships between criminality and the various secondary factors, there is no assurance that remedying the secondary factors would diminish the criminality. It may indeed be possible that when a criminal gives up drinking, he may actually become a more successful criminal, or when he becomes better functioning, he may commit crimes in such a way as to not be apprehended (Samenow 1984).

A word about the roles of different ministries and lobbying groups in the field of criminal justice is in order here. Ministries such as health, education, and transportation promote health, further education, and build roads as their primary task.

Correctional systems, on the other hand, besides providing good custody, typically end up teaching academic subjects, providing training for vocational skills, or facilitating employment, in the name of corrections.

Should corrections not first be clear about what corrects criminal behaviour and then give priority to those programs and activities that would attempt to directly modify criminal thought and behaviour patterns? Who else would have the expertise to tackle this crucial task?

Most of the people we deal with, including first incarcerates, have been in repeated difficulties with society's rules and regulations and have failed to show respect for others' welfare and property.

Even our young offenders deserve a very close study to clearly understand their real problems. Chances are that new programs for young offenders would emphasize more academic education, greater variety in recreational activities, or special education classes, without focusing on the correction of their criminal thought and behaviour patterns.

Are young offenders, however, any less criminal in their view of life than old offenders? Are they more ready to give up their criminal way of life after realizing the unfairness to others? If not, then all programs dealing with young offenders should be oriented to the eradication of criminal thought and behaviour patterns.

The question of how young offenders compare with adult offenders in their criminality and readiness to reform, needs to be pursued by our research departments, keeping in mind that, unless we are very clear as to what is the focus of our study, we may go on making the same mistakes in dealing with the young offenders as we have done with the adult ones.

The priority of all rehabilitative programs in the criminal justice system should be to awaken an offender's sense of fairness to others, to help the offender fully realize his unfairness to his family, friends, and, most of all, to the numerous victims.

We hope that he would then start finding his criminal thinking, planning and actions repugnant to his sense of justice and that he may successfully discourage himself from repeating these actions when the next temptation arises.

Implications for Programming

1. Criminals have criminal skills, such as breaking rules and hurting people. All those dealing with criminals should work toward the prevention of opportunities for criminals to practise these criminal skills so these skills at least will not be strengthened.
2. Not only do criminals willing to reform need to strive for the absence of criminal skills, they also need to practise anti-criminal skills, such as obeying rules and helping others.
 - a) If classification were in terms of current intensity of criminal thinking and willingness to change, rather than on past criminal and institutional history, differential programming could then provide appropriate opportunities for those who are ready to respond to responsible challenges.
 - b) Those who are not ready could receive humane warehousing, along with periodic education as to their unfairness to others. They need help in seeing that the only sure way to avoid jail is to give up not only crime but also criminal thinking.

- c) All programs, institutional and community, including education, job skills training and community service orders, should include the practice of anti-criminal skills as an explicit component. In the absence of this, the criminal will distort the programs to suit his own purpose.
 - d) The ministries of Education, Health, the Attorney General, Community and Social Services and Correctional Services need to co-ordinate and integrate their response in dealing with this type of client.
3. All those in institutional and community programs need to develop competence in assessing offenders in terms of their criminal skills. Courts, probation and parole officers, correctional officers, treatment staff, volunteers, and even families should have an understanding of the criminal mind so they can prevent criminals from further practicing their criminal skills and encourage them in practicing anti-criminal skills.
 - a) To aid these people in correctly assessing offenders, inventories of criminal and anti-criminal skills can be developed.
 - b) Early signs of criminal thinking and behaviour can be detected in playgrounds, classrooms and shopping malls. Training could be offered in reading such signs of criminal skills accurately. It is not difficult and does not require any advanced education or professional skills — parents, teachers and others could easily be given this knowledge.
 4. a) All of us should be aware of our own attitudes toward crime. Upon self-examination, many of us will find that we convey delight in or agreement with the criminal when he describes his bank robbery or attack on a police officer, thus encouraging him in his criminal patterns.
 - b) Similarly, we need to be careful that we do not unintentionally promote criminal skills, approve of criminal thinking, or become influenced by the example of the offenders rather than providing positive models for them.
 5. The criminality of young offenders and so-called first offenders should be taken seriously and dealt with. It cannot be assumed that every first offender is essentially a prosocial person who has made one mistake and needs only a "break" in order to get back on the right track.
 6. Young children displaying early signs of criminal thinking and

behaviour could be enrolled in special programs where the central element is the promotion of helpfulness to others and the recognition of the value of such an orientation.

7. Just as uneducated parents can have highly educated children, so criminal parents can have highly anti-criminal children if there are opportunities for them to be introduced to this way of life. ■

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The Madeira House treatment program for impaired drivers

by Ramsay Kane

"They suffer from disturbed modes of being in the world, they are further afflicted by a limited capacity for presence; that is, they are in conflict with time, with their own intentionalities, striving, ethical codes and defensive attitudes."

Residential Psychiatry and Group Psychotherapy, Thomas Hara

Background

In Mimico, nearly 6,000 people are sentenced every year for alcohol-related offences.

Correctional practitioners in recent years have come under tremendous pressure to provide innovative programs — both community-based and institutional — which will provide treatment for those offenders whose criminal behaviour is alcohol-related.

The problem of drinking and driving is at the forefront of the political and social forum throughout the province. It is a unique crime problem in that the offender cannot be stereotyped according to socio-economic status. Drinking and driving is a problem which affects a broad spectrum of the population. Long-standing social acceptance of the problem further compounds the issue.

Impaired driving has received a great deal of coverage by the media. As well, a number of citizen groups such as Against Drunk Driving (ADD), and People to Reduce Impaired Driving Everywhere (PRIDE), have put political pressure on the provincial government to address the problem.

In September 1982, PRIDE requested that the Premier of Ontario create an interministerial task force to address this growing problem. In response to this and other requests, the Premier's Interministry Task Force on Drinking and Driving was formed and a discussion paper was released in August 1983.

One of the recommendations in this report was that each municipality should develop and co-ordinate its own response to issues concerning impaired driving.

At the International Halfway House Association's 1982 STIGMA conference, however, the Honourable Nicholas Leluk, Minister of Correctional Services, announced the ministry's intention to implement a community-based, residential program to address the issue of impaired driving. This article describes the framework of the program outlined by the minister, its progress to date and outlook for the future.

Overview

In March 1983, the ministry converted a community-based residential program operating since 1978 at Madeira House in Toronto, into a residential program for impaired drivers. The objective of the program was to reduce the recidivism rate among convicted impaired drivers.

The ministry's community resource centres development branch, community support services branch and the director and staff of Madeira House developed the program jointly. Madeira House receives most of the program's funding through a contract with the ministry.

Candidates must be approved for Temporary Absence. They are selected by a board comprised of correctional staff of Mimico Correctional Centre, and are interviewed by the director of Madeira House or his delegate. The participant's family, spouse or employer also are interviewed prior to, or at the time of admission to the program, in order to complete the admission workup.

The program operates in a four-week cycle, with sessions running every evening, Monday to Friday. Participants are prohibited from driving or riding in a car during the residential program. Failure to adhere to house rules or to actively participate in the program constitutes a violation which results in their return to the institution. Follow-up activities allow discharged residents to sustain and improve progress made during the initial four weeks.

Program Content and Methodology

The Madeira House program is a holistic one, embracing models of education, counselling/therapy, behaviour, aftercare and an array of concomitant support systems. Inherent in the program is a mandatory requirement that, whenever possible, significant others such as spouses be involved in the process.

In general, information is introduced in a didactic manner, and subsequent activities allow participants to operate on what they have learned.

The program is designed to induce behavioural change by fostering an understanding of the deleterious effects alcohol has on cognitive, social and physiological systems, in order to enable the participant to become more aware of the specific hazards of alcohol and the way in which it can exacerbate ongoing negative situations.

The program also is designed to induce behavioural changes through the definition and self-analysis of personal attitudes and values in order for the participants to gain insight into how their value systems affect themselves and society. The behaviour change which occurs is a function of accommodation of their cognitive schemes in order to deal with the insights they have made. The nature of this change is an increase in responsible actions or increased receptivity to feedback regarding their lack of responsibility in specific situations. Further, there is an underlying assumption that increased feelings of responsibility or sensitivity do generalize to other aspects of their day-to-day living.

Education Model

The education model manifests itself in the areas of alcohol education, human relations, driver training and nutrition.

Alcohol Education

The purpose of the alcohol education component is to foster an understanding

of the deleterious effects alcohol has on cognitive, physiological and perceptual systems, as well as the misery and destruction which can result from an accident caused by impairment. This component further explores the social aspects of alcohol, how alcohol affects one's behaviour, how one's behaviour affects one's environment, and how the combined effects of the two can increase the probability of impaired driving.

This process utilizes films, discussions, role-playing and structured exercises to achieve its end. Film topics include:

- alcoholism and its effects on individuals and their families
- the physiological and psychological effects of alcohol on individuals and how this affects their interactions with others
- how alcohol affects the motor responses of experimental subjects
- the cognitive states from which we operate when under the influence of alcohol
- graphic depictions of wholesale slaughter on our highways

Additional activities examine the emotional and physiological effects of alcohol abuse in more depth:

- how alcohol can exacerbate problematic communications between respondents and compound ongoing problems
- how it can inhibit motor processes and can disrupt and damage physiological and perceptual systems
- the ways in which alcohol inhibits higher intellectual functions such as reasoning and inhibits the ability to appreciate future consequences of present actions
- the ways in which alcohol increases egocentrism and disinhibits ego aggression
- the significance of these effects on the ability to operate a motor vehicle and the potential consequences for operator and the victim.

The effect of motor vehicle accidents on liability and health insurance rates and on other costs is also discussed.

Human Relations

The purpose of the human relations component is to provide a framework that will allow the definition and self-analysis of personal attitudes and values in order for the participants to gain insight into how their value systems affect themselves and society. More specifically, this component is designed to enable the participants to understand their private logic and to determine whether it is maladaptive or adaptive in terms of their moving successfully toward their private goals.

Further, there is an examination of the validity of participants' private goals and the ways in which they are the authors of their own self-defeating behaviours. The underlying assumption of this component is that if the antecedent to impaired driving is

drinking, there may also be antecedents to drinking. In the spirit of holistic intervention, therefore, we must attempt to concentrate on the cause as well as the symptom.

Through handouts, illustrations, group tasks and discussion, participants are exposed to concepts they may not have considered before.

Clarifying Personal Values

Stated values and attitudes are identified, then compared against evidence of conflicting personal behaviours. Participants discover that these behaviours are indices of their actual values, attitudes or private logic.

Communication in Social Relationships

The quality of the interactions participants experience in their primary and secondary relationships is determined. The antecedents to these situations are examined. Then the concepts of social systems, obligations and expectations, and how these relate

to the family unit are discussed. The group looks at the purpose of communication, identifies blocks to communication, and learns how to overcome them.

Stress Management

Participants are introduced to the cause and purpose of stress, and learn how to identify stress. Successful strategies to deal with stress are developed. The purpose of leisure and ways in which participants use leisure, are discussed. Using leisure in positive ways is emphasized. The group then discusses and undertakes positive recreational activities. It then examines how these events are qualitatively different from events which are based around the consumption of alcohol.

Dealing with Problems Constructively

There is discussion of problem-solving methods, and how to identify problems and operate on them. Participants learn to identify the feeling

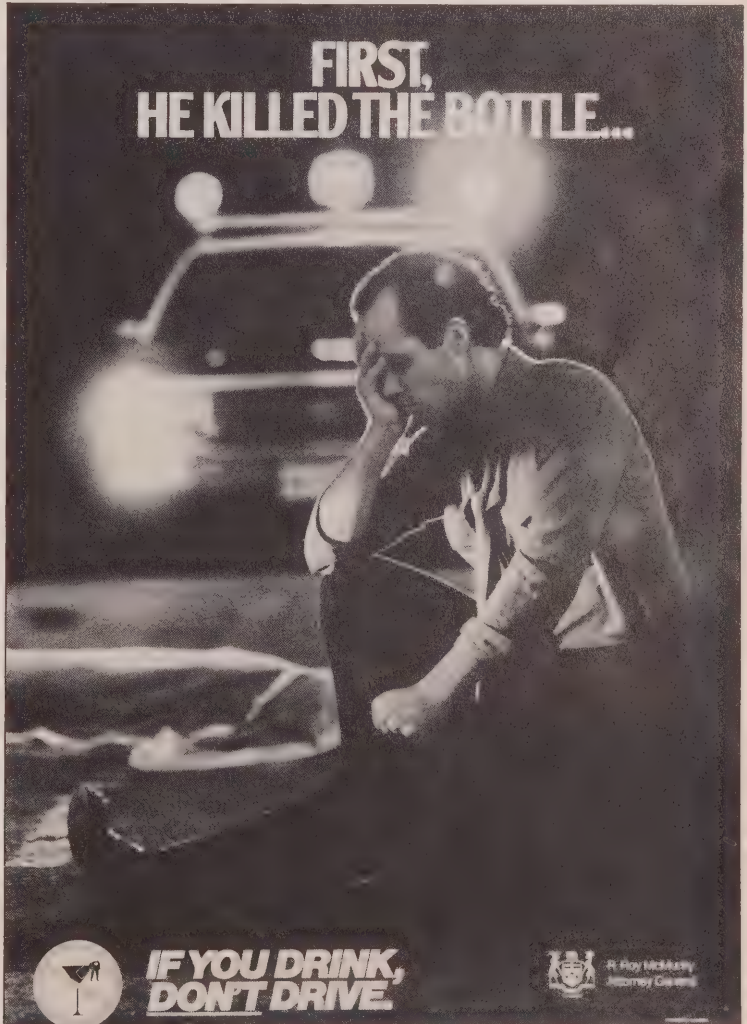


Photo courtesy of Ministry of the Attorney-General

of anger and its concomitant behaviours. They examine the purpose and causes of anger, and develop positive strategies for dealing with anger. They also examine assertiveness, its use and abuse, specifically as it relates to peer pressure.

Other Adaptive Tools

Goal-setting is discussed. Participants learn to identify and evaluate their goals, and discover how one's attitudes and behaviours can interfere with goal attainment. The group looks at coping as a response to frustration, change and stress. The concept of emotion and its use is considered. Participants learn to identify emotions and their causes, and develop appropriate responses.

Alcoholics Anonymous (AA) is introduced as a form of peer counselling. Participation in at least one AA meeting is included.

Driver Training

The purpose of this component is to teach participants how bad driving habits and ignorance of driving rules can contribute to the probability of an accident.

This process utilizes films and handouts.

Participants study the Ministry of Transportation and Communications driver handbook, and safe driving practices. The group identifies myths and fallacies about driving, including whether alcohol does or does not make one a better driver. It becomes established that to live together in a community, people find it necessary to set up rules to govern their conduct. The conduct of motor vehicle drivers is shown to be no exception.

Nutrition

The purpose of the nutrition component is to allow participants to develop a fuller awareness of how a poor diet and the concomitant chemical imbalance may inhibit mental activity and maintain any ongoing emotional disturbance. This component further points out how the combination of poor diet and chemical abuse can also have dire physiological effects.

The process utilizes films, handouts, illustrations and discussions. Participants receive information on:

- the hazards of a low nutrition diet
- the effect of high sugar intake on one's body, mental ability and emotional state
- how sugar affects mental/physical co-ordination
- the myths surrounding fast foods and chemical additives in food stuffs

Each participant's current level of nutritional awareness is explored, and is supplemented by information on how to shop for nutritious foods and recipes for a well-balanced diet.

Therapy/Counselling Model

The therapy/counselling model manifests itself through individual

counselling, family counselling and peer counselling, as well as group exercises which often include members of the community, family members and other primary respondents, as well as victims and survivors of accidents caused by impaired drivers.

Individual Counselling

While education deals with behaviour and its consequences, it is basically an intellectual process. Counselling by its very nature becomes a much more intimate experience. It can be an introspective phase as well. The internalization of concepts is often important to the therapeutic process.

A goal of the counselling experience is to allow clients to take a personal inventory, to accept who and what they are, and who and what they could be through attitudinal change. Part of the counselling process is also to constantly strive to strengthen the gains which are made in the group, family and peer sessions.

Counselling also must focus on helping clients come to terms with themselves in relation to society and where they fit within that complex system. Individual sessions, therefore, are also goal-oriented in that they involve planning a critical path and examining the success achieved to date.

Family Counselling

Family counselling is important in that it is the milieu to which the participants will likely return upon their discharge. The underlying philosophy is that the individuals cannot be treated in isolation. There must be a systematic, conjoint approach encompassing those individuals who can either help or hinder the offender upon discharge.

In addition to helping to catalyse their mates, spouses are also encouraged to address their own problems. By co-operating in the treatment process, spouses can ensure that the home environment is conducive to maintaining positive change.

By establishing intimate relationships with spouses we are also able to monitor the transactions which occur while the participants are at home on furlough. Finally, a spouse may become involved in the process deeply enough to want to continue with the self-help group after her spouse's discharge, enabling us to continue to exert some form of guidance beyond the offender's release.

Peer Counselling

Peer counselling is what makes self-help groups work.

The purpose of developing peer counselling relationships and exposing participants to this process while they are still in the program is to increase the probability they will participate in this process after their discharge.

When a spouse joins our self-help group, the discharged offender usually does as well. This supplements the experience the offender has already gained from the residential program. Participants in peer counselling can help

each other control their behaviours and work out common problems, even when they are no longer participating in any other programs.

These people may also attend peer counselling after the residential program because they feel they have not had sufficient time to resolve their problems, or because they enjoy self-help activities. In some cases, they may be required to attend as a condition of their probation or parole order.

Therapy as a Goal

Although the therapeutic element is inherent in the overall design there are specific exercises which are utilized to achieve particular results. Specifically, we are interested in reducing stress and tension in order to ensure higher receptivity on the part of the participants. We are also interested in getting around ego defenses. Deep relaxation, role playing, role reversals, projective fantasies, sensitivity exercises and anonymous peer counselling are some techniques which are employed.

Catharsis is another area of great importance. The participation of both victims and impaired drivers provides a unique opportunity to explore the benefits in this area. Both parties usually participate in a larger group, sometimes anonymously, the group usually being composed of family members and volunteers.

Both those who have lost loved ones, and, for the most part, those who have caused the death of someone else through their own selfishness or negligence, carry a great emotional burden which ties up much of their energy and channels their thoughts and behaviours to a great extent. In our view, both parties seek to attach meaning to the event of a death. We provide them with that opportunity. We usually find that the impaired drivers are willing to change and subsequently even want to work together with the victims or families of victims in preventive education efforts.

The energy that is freed up and the emotion, the pain and the love which follow from these interactions are enormously beneficial to all concerned. Impaired drivers who so far have not killed someone cannot fail to be moved by the reality of the trauma their behaviour could cause.

In summary, the approach to therapy is quite eclectic and borrows from many schools of thought.

Behaviour Modification

Operant shaping of behaviours can be said to exist in the program in the sense that responses to behaviours are consistent, contingencies are outlined to the participants upon admission, and participants' freedom of movement is contingent upon their behaviour. This program is not based upon behaviour modification. It is, however, an area appropriate to the overall design and in keeping with the reality of the situation, the participants' incarceration.

Aftercare Model

The aftercare model is designed to provide the participants with positive support systems such as peer counselling, self-help groups and the opportunity to become active, if they so wish, in preventive education.

This is an area of great importance.

Self-Help Groups

The self-help group is an ongoing, semi-autonomous group which allows the past participants (with or without their spouses) to supplement the experience already gained in the other strategies. This way the participants can more readily grasp the validity of the psychological interpretations and the difficulties other group members have in recognizing the obvious about themselves.

Furthermore, most disclosures made in self-help groups not only benefit the person making the disclosure, or the individual to whom they are directed, but also other participants who can learn from the experience of others. From group involvement, individuals can discover further methods of working out constructive change after they achieve insight into their self-defeating behaviours.

By helping each other to control their behaviours and change their lifestyles, the members become a powerful means to offset aversive social stimuli that function from within an individual's cultural milieu. Contact is first made while the participants are within the residential program and may be continued after discharge. Establishing a continuum of intervention, from before discharge and following discharge, helps to compensate for the short terms of residency encountered in some cases.

Preventive Education

Preventive education is something in which virtually everybody who continues with us into aftercare is interested. Those past participants who are actively penitent are quite motivated to go into the community and speak. This is advantageous in terms of group maintenance but also in terms of having a resource, "the penitent offender," who is willing to assist society, whose social interest is high and who has proven to be an effective speaker. This benefits society and is therapeutic for the individual.

Community Outreach

Community outreach is part of the aftercare model and an extension of peer self-help and preventive education. The outreach group consists of ex-offenders' spouses, victims of impaired driving, community volunteers and Madeira advisors. Their purpose is to reach out to women in the community whose spouses have been convicted of impaired driving, or have not yet been caught, or have a substance abuse problem. After making contact, the positive peer counselling group accepts these women as members and helps

them achieve competency in coping with their husbands' behaviour.

The group encourages women to develop goals and strategies for their own lives, as well as in relation to their spouses. Finally, the group hopes to introduce drinking husbands into the co-ed self-help group so that these offenders also enter the process.

Support Systems, Evaluation Methods and Milestones

It was apparent from the beginning that it was important to have various supports which could help us to achieve our goals and objectives. We saw these supports as being those which could facilitate a higher quality and increased scope of service for the participant.

Increased quality of service was addressed by the inclusion of family and other primary correspondents in the process.

The increased scope of service was achieved by developing the aftercare support network, such as the self-help, outreach and preventive education groups, as well as establishing growing linkages with other organizations which could be of benefit to the participant during residency and after discharge.

These factors have served to extend the quality and scope of Madeira House's work:

- physical resources from the City of Etobicoke
- volunteers from the community
- participation by ex-residents as facilitators
- participation in programming by victims of impaired driving
- arrangements for Adler Institute of Psychology graduate students in counselling and clinical psychology to satisfy the requirements of their practicums at Madeira House
- linkages with citizens' groups against impaired driving
- utilization of the print media and broadcast media in preventive education
- participation by families and significant others in the process
- participation by ex-residents in

preventive education

- participation of Metropolitan Toronto Police
- participation by Ministry of Transportation and Communications
- support services from the Ministry of Correctional Services
- consultation and diagnostic services from Mr. Scott Pope, counselling department, Atkinson College, York University

Informal evaluation is ongoing, both by staff and by interested participants. The participants may provide feedback to the trainer about the quality and content of each session. They are also free to express how the content of each session relates in particular to their own life experiences.

These criticisms and reactions are answered by the trainer at the beginning of the next session. Staff generate daily descriptive reports and attendance summaries of each session. Along with information stemming from the counselling sessions, these are reviewed at each weekly case conference.

Although no formal evaluation results are in, we continue to be encouraged by the results we have seen within the family units we have worked with, and with the individuals themselves.

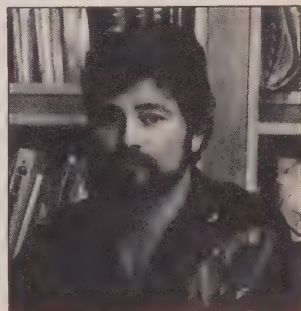
Those participants who have made commitments to change their lifestyle and dedicate themselves to helping others, continue to demonstrate their resolve by their involvement in public and preventive education.

Their success manifests in community work with victims' groups such as Against Drunk Driving, and various boards of education. A more recent manifestation was the involvement of some of our past participants in a preventive educational film on impaired driving being produced by the Drinking Driving Countermeasures Unit of the Attorney General of Ontario.

This is the direction the Madeira House program will continue to travel, one of partnership between government and community to address the problem of impaired driving and ensure the best interests of society. ■

Ramsay Kane began working in the field of community and social services ten years ago and has since worked for the Jewish Child and Family Service, the Children's Aid Society, Opportunity Homes, Knowles School for Boys, and the St. Leonard's Society. He has also represented the Ministry of Correctional Services at various hearings on group homes in Metro Toronto. Mr. Kane is a graduate of York University where he did his undergraduate studies in psychology. He is second vice-president of the Ontario Association of Community Resource Centres,

president of the Lakeshore Diamond Charities Association and executive director, Madeira Residence Community Resource Centre.



Identification: The problem of names

by John O'Gorman

"What's in a name?"

A name is for identification at the very least — to choose the practical over the poetic.

I may not *be* (philosophically, physically) John O'Gorman. If you don't know the fact, however, that my bank account is in my name, I can cash my cheques when I sign that name. And I use that name on my driver's licence card, then, effectively, I am John O'Gorman.

My father! How do you distinguish between the two of us? The answer is "by the evident facts" — it is most apparent as we stand side by side. He is the distinguished product of a bygone age and I am the product of the casual sixties.

Often in this ministry in particular, and in both government and business in general, however, the identification of a person is based upon data — a pale and abstract reflection of the real world, data from paper and computer records. Decisions are based upon someone's original record, passed and possibly transcribed many times.

Identification of people always depends upon a name in the first instance.

Proper identification of individuals is the most significant clerical function in any enterprise that deals with people. Correct identification is money in the bank, quick repayment, a sure conviction, or proper classification for treatment in hospitals, correctional centres and programs. Incorrect identification may lead to a loss through fraud, bad debts, a law suit against a police department, public embarrassment for both purveyor and client, or incorrect classification which may lead to as severe a result as death to either the client or an innocent victim.

For business, the problems in identification by name are reduced by the fact that before the transaction is completed, confirmation of the name and its spelling may be required. The client will be asked to produce one or several official forms of identification — passport, driver's licence, credit cards and social insurance card as examples.

Business has the option of refusing the transaction for lack of substantive identification.

Government and public services do not always have that option.

I have yet to see a police officer refuse to arrest a suspect because the suspect fails to produce documentation supportive of his or her claim to identity. Quite often, the refusal to produce a driver's licence or passport will be the cause of the arrest.

Hospitals in emergency situations must accept bodies for treatment and worry about identification later. Hostels require a name — any name. Jails require a name derived from the warrant and confirmed by interview. Police officers in their first encounter with suspects are the prime recorder of the names for the rest of the judicial process. In many cases, the officers' sole method of deriving data is by interview.

"One offender on file with this ministry had 10 different spellings of his surname through multiple contacts . . ."

The accuracy of the communication in the interview, divorced from the question of truthfulness, depends upon both the oral and aural literacy of both parties. Sometimes both parties verge on illiteracy in terms of the other's ethnic/cultural background — especially in our multicultural society.

I once knew a person whose surname was given at the first introduction as Li-shev-ske. When I finally saw it written, the name was spelled Lizewsky. Had I seen the written form first, I would have pronounced it Li-zu-sky. As a police officer interviewing the person, I might have spelled the name, with logical and possible variations, Lishevsky, Lishefski or Lichevski.

"But all that you have to do is to ask the person how to spell his name," I here you exclaim.

"Middle class bias," I reply. All too many of the jail population are illiterate — either absolutely or at least in Canadian culture. They are as illiterate

as I was in my example of Polish transliteration where the 'w' is pronounced as 'v' in English.

The Metro Toronto Bell Telephone directory offers these alternate spellings for McGuiness:

- Mac Innes
- Macinnis
- Mc Ginnis
- Mc Innes
- Mc Innis
- Mc Ginnes

One offender on file with this ministry has 10 different spellings of his surname through multiple contacts.

The ministry is bound by law to record the individuals committed to its care by the names written on the warrants. One former probation officer told me the following story:

She was working on the documentation that would allow an inmate to be released on parole. In the preparation, she took the spelling of the name from the warrants. At one stage, she required the inmate's signature on one of the forms.

When she took the form to the inmate, he pointed out that his name was spelled incorrectly.

She then approached the superintendent expecting that he would support the change in spelling.

The superintendent, however, said, "Either he signs the form the way it's written, or he doesn't get out!"

The inmate signed.

Then, where does the error come from?

The records clerk at the institution receives the information from the admitting officer with the warrant. The admitting officer receives the warrant from the court. The court receives its information from a combination of the crown attorney and the police station. The arresting officer receives his or her information from the suspect.

At every record-keeping stage of the criminal justice process — from the initial notes of the arresting officer, through the summons and warrants, to the final keystroke of data entry in the MCS system — there is the danger that an inadvertent encryption or transcription error will occur. The less familiar the recorder is with the names of the ethnic background from which the offender comes, the less likely the recorder is to detect the error in the

record. "It looks good to me," will reflect this subtle cultural bias.

Every time that the data must be transcribed from one document to another there is the danger that an inadvertent error will be made.

Still concentrating on the possible errors in surnames, let us review some of the more common ones.

On the QWERTY keyboard, the standard ordering of the letters on the typewriter keyboard, is one source. The recorder may intend to strike 'Y' but actually strikes the 'T', which is the key to the immediate left of the 'Y'. The result is the changing of a name from Dewey to Dewet.

The combination of handwriting and cultural illiteracy is responsible for the confusion of 'U', 'V' and 'W'. The result on the ministry file is a multiplicity of surnames related to the same person such as Duorac, Dvorac and Dworac. Transposition of letters is a common error when using a keyboard. One example from our file is Latender for Latendre.

Another error is to enter only one of a double letter combination. Again an example from the file is the difference between Lajeunese and Lajeunesse.

That was surnames. Now, let us look briefly at given names. All the above errors relating to surnames apply equally to given names. There are also problems, however, unique to given names.

Transposition of given names *may* be a deliberate attempt by suspects to confuse the authorities about their true identities. In a larger percentage of cases, however, the error is in the transcription. Transposition of surname and given name is rather likely to happen when both the surname and given name are commonly given names in English — such as Leslie James. Those people who use their second names may add confusion to the records. One example is from my son's name: he is known as Casey but his given names are Thomas Casey.

Transposition may also come from the Asian and Balkan manner of giving the surname first, followed by the given names. Western culture now expects the given names first, followed by the surname (the exception is, of course, in computer applications). The recorder, then, when offered a series of "foreign words" assumes the Western order and concentrates on trying to capture the spelling as accurately as possible. This problem becomes very pressing in the ministry's processing of immigration cases.

Given names may be corrupted into nicknames or diminutives which bear little or no relation to the actual name. Therefore, problems are created for clerical searchers because "Tony Smith" is not alphabetically close nor physically close, if we think of a paper listing, to "Anthony Smith". It is quite common on ministry files to see Jacks

and Liz's and Bills. To the recorder, these names are so familiar that they are just as acceptable as formal given names. The situation becomes confused for those people who have formally given names of Larry, Jack or Betty.

Twins offer another problem. One infamous pair are Donald Ronald X and Ronald Donald X. What is the clerk to do when the warrant for one of them reads only Donald X? The only concrete method of differentiation in this case is to await an RCMP report on the fingerprints.

What then is the answer to the problems outlined here?

Nothing surpasses the initial care and multicultural sensitivity of the initial recorder. The assurance, however, of totally reliable transmission and transcription of data is another factor. Most printing is easier to read than script. Typed data is almost always more clear than anything by hand. But the use of keyboards lead to QWERTY errors and transpositions. Originals are easier to interpret than carbon copies or photocopies.

The ideal would be to encode the data once as close to the source as possible and then, transmit the data in binary code electronically from one step of the judicial process to the next until the final release. Every time that data has to

be transcribed there is one more chance for error. The party game of passing a verbal message from one person to another through six or eight people guarantees a dramatic and often funny difference between the message of the initiator and that reported by the last one in line. The transcription differences for data are not funny. There are 100,000 admissions to the ministry a year. Even a one per cent error rate means 1,000 errors.

This ideal, then, would require tight co-operation and co-ordination among the police, the courts and the ministry to develop a series of interactive computer systems to transmit and record data. In other words, a justice data system.

In the meantime, while we wait for the political recognition of the need and the psychological adjustment necessary to relinquish part of each ministry's autonomy, the problem of accurate identification for this ministry could be eased by two steps.

The first is that a copy of that portion of the police investigation report which reflects the identification work already done by the police accompany the offender to the institution or probation and parole office. The police will have searched the several levels of files available to them and, most often, will have discovered aliases, birthdate,



Ronald Donald

Donald Ronald

Artwork by Denis Andre

birthplace and, sometimes, a fingerprint serial number. This report should also indicate either the violent tendencies of the person and/or the level of violence used in the crime. The police departments in both British Columbia and Alberta supply these reports to jails

second step would be for the forces to support correctional ministries in general, and this ministry particular, in gaining access to the Canadian Police Information Centre (CPIC) files.

Identification is one purpose for access. Other purposes include access to indictable convictions from other provinces to assist in classification, and immediate check for outstanding warrants prior to the granting of a discretionary "release" such as temporary absence.

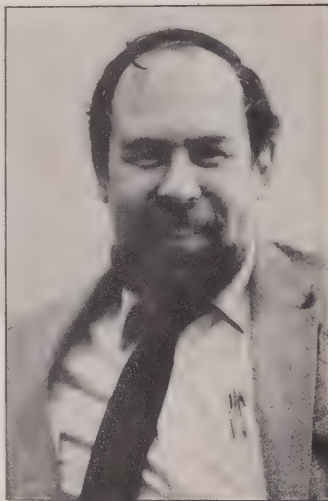
Although the Ontario Provincial Police and the Ontario Police are among those who have access to ministry access to CPIC, it is the RCMP who object to CPIC by any civilian. The ministry lacks the security discipline of a police force. It has been made that only criminal data is to be accessed, and that this sensitive data must be protected as confidential.

The argument to support the ministry, on the other hand, is made up of the following

the ministry supplies data concerning parole, temporary absences, probation orders, address changes, and so forth to CPIC and is, therefore, already a participant in the system;

- the ministry personnel who would be authorized to access CPIC would be as responsible, as well-trained, and as well-regulated in terms of respecting confidentiality as police officers;
- any non-criminal data on CPIC files would only be accessed if the person to whom the data pertains entered a jail. This data would then be of benefit in classification. Any data, however, related to national security or other special programs could be restricted by access codes to prevent non-security-cleared access to confidential information.

Accurate identification for this ministry means that the current convictions which bring people to us are linked to the data from all their previous periods of contact with the ministry. The linkage of all the data — prior convictions, favourable and unfavourable reports of activity, treatment programs attended, notes on security — then becomes the basis for classification and treatment decisions during this new period of contact. All identification begins with offenders' names. Every move this ministry makes to reduce the problems of names in identification leads to stronger decisions related to classification and transfer. ■



John O'Gorman is manager, systems development and operations, Ministry of Correctional Services. He began his career in data processing at the then Ontario Department of Transport in 1965 as one of the initial developers of the Ontario Drivers' System. This system required searching by name, also. Mr. O'Gorman joined this ministry in 1974.

Success in corrections: programs and principles*

by Dr. Paul Gendreau

Abridged from an article by the author and Robert Ross that appeared in Current Issues in Juvenile Justice (Eds: Corrado, Leblanc, Trepanier), Toronto: Butterworths, 1983. This text has a complete list of references. Reprints may be obtained from the author, Rideau Correctional Centre, Box 100, Burritt's Rapids, Ontario K0G 1B0.

* * *

The debate on whether correctional programs are effective in reducing delinquent behaviors was primarily initiated by Robert Martinson in 1974 when he touched off a critical debate about the validity of correctional programs with his claim that "nothing works".

Unfortunately, more heat and rhetoric were generated than dispassionate, logical analysis of the facts available. Over the ensuing years, nevertheless, the popular notion that "nothing works" has been modified. We are not naive enough to argue that this view has not had, and still does have, a profound influence on policy developments in the criminal justice field.

The popularity, in some quarters, of various correctional panaceas such as radical non-intervention, retributive and just-deserts philosophies owes some debt to the nothing works pronouncements.

There is, nevertheless, increasing evidence that some programs are effective. Later, in 1979, even Martinson admitted that such was the case. Now there is substantial evidence amassed by various studies that were impressive for their methodological soundness, to indicate that certain types of correctional interventions can significantly reduce recidivism.

Reductions in recidivism range from 30 per cent to 60 per cent according to some of the well-controlled studies. The follow-up periods are meaningful; beneficial results have been reported for periods ranging from three to 15 years.

This paper highlights some specific aspects of effective correctional intervention and provides some plausible reasons for the failures produced to date.

Studies/Programs

There has been a rapid maturing of correctional intervention literature. Whereas, a lot of the evaluation research used to be methodologically inadequate, much of the current work is

well conceptualized and structured.

Based on the studies reviewed by myself and Robert Ross, we reported that 33 per cent of the correctional studies were experiments based on random assignment, 23 per cent employed a variety of baseline comparisons, and 25 per cent used matched or comparison groups. Few studies (20 per cent) had weak designs. The quality of work in the field is far superior to the other applied work being done in corrections, and, we suspect, easily equal to that being produced in other social service systems such as mental health.

The methodologically-sound studies come from such areas as diversion, family intervention, community-based and institution programs for juvenile offenders and for adults either in institutions or on probation. The majority of successful intervention programs are based in the community and deal with juveniles, which makes sense from a cost-effective and preventive viewpoint. The results reported to date, as stated above, are not trivial.

In terms of actual techniques, the successful programs vary greatly. They range from a vocational orientation and behaviourally-oriented counselling methods to specific behaviour modification techniques. They all have several things in common. They are based on a behavioural learning within certain social contexts where role modelling is especially crucial. To say so, however, is of limited use to correctional managers in charge of setting up effective programs. While there are no cookbook formulae programs, some important guidelines have been set forth.

In our view, the work of Andrews and Kiessling (1980) is noteworthy in this regard. Their work is conceptually elegant, attempts to incorporate diverse, yet viable elements from sociology, criminology and psychology, and most important, the programs have worked in a variety of settings such as correctional institutions, probation and parole. The crucial guidelines for correctional programming, and they are ones that are encompassed in much of the successful intervention literature as outlined in 1980 by Andrews and Kiessling, are paraphrased as follows.

Authority: With this approach the correctional officer makes explicit use of the formal rules associated with correctional settings such that the formal legal sanctions are made more

vivid, understandable and certain in their application.

Anticriminal Modeling and Reinforcement: The correctional worker becomes a positive role model acting to reinforce normal, prosocial, non-criminal behaviour. The correctional worker provides an alternative model to criminal activities and criminal persons. Without such a countervailing image, the inmate is exposed only to persons and environments which support criminal behaviour.

Problem-Solving: As a knowledgeable and skilled individual, the correctional worker may engage the client in the process of resolving those personal, inter-personal or community-based difficulties which are resulting in failure to achieve satisfaction and reward non-criminal pursuits. For analytic purposes, problem-solving efforts may be further classified according to whether the focus is on concrete community and inter-personal problems (in areas such as work, family, education, peers, finances and housing), or whether the focus is on recreational or personal/emotional problems.

Use of Community Resources: This approach, often called environmental facilitation or the advocate/broker role, is another special subset of problem-solving. It is worthy of separate attention because of the emphasis placed on advocacy/brokerage models today. Its value, of course, would depend upon how well the resource to which a client is referred is in fact able to provide service.

Quality of Inter-personal Relationships: This approach includes practices such as the expression of warmth, concern and active listening or empathy, and the creation of conditions of trust and open communication.

From the foregoing it is obvious that there is a substantive and specific type of structure to the intervention process. This kind of approach is readily apparent in the successful programs evaluated in studies Ross and I have reviewed previously. As would be expected, however, there is considerable variation, but, one would be hard-pressed to find successful studies reported today, no matter what the setting or modality, that would not incorporate some of the dimensions outlined by Andrews and Kiessling.

Unsuccessful Programs

Just as it is becoming evident what type of intervention programs have a

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reasonable guarantee of success, so then it is becoming obvious what constitutes unsuccessful programs. For the interested reader, Andrews has provided a detailed review of the counselling literature in this regard. Essentially, he points to the fact that counselling procedures based on open-communication "friendship" models that have little direction or are self-learning, self-help, peer groups run by offenders themselves will either increase law-breaking behaviour or have negligible effects. There are any number of studies to support this contention. It may be painful for some to accept, but likeability, participation, and "good" feelings are not enough for effective counselling. Anticriminal components must be a major part of counselling programs or else the good relationships established will likely be

in vain. As noted above for training studies, behavioural techniques have a history of both success and dramatic failures. The differences between the failures in this area are not so much in the techniques as in the application of the procedures. Besides those techniques that were completely unstandardized or irrelevant to the behaviour to be alleviated, unsuccessful programs had the following failures: (a) they were run by leaders who were never involved in the development of the program; (b) the target behaviours were almost always antisocial rather than prosocial thus giving antisocial behaviours undue attention and in some cases fostering such behaviour; (c) they failed to neutralize or utilize in a positive way the offenders' peer group.

Medical-Model

Programs based on a "medical-model" disease conception of antisocial behaviour have not been fruitful. Whether the disease be one of "disturbed" emotional behaviour or biologically oriented, for example, in the case of extra chromosomes, we have not found one well-controlled positive report.

Deterrence

No doubt I am likely alone among social scientists in corrections, in stating that deterrence has some potential. Nevertheless, the blunt realities are that even if one turns a blind eye to the profound and, to date, unresolvable methodological problems in this research area, deterrence has little to say for itself in terms of applied usefulness. There is the odd study attesting to effective deterrence (for a short period) on a large societal scale, or for deterrence of a certain crime in a specific area. There are many more studies, however, showing negligible to minimal effects or even indicating

increasing offending. Or, as is often the case, attempts at applied deterrence, for example by the police or courts, have been so poorly conceptualized and put into effect that no conclusions could ever be forthcoming. It should be noted, nonetheless, that a few treatment studies have had a deterrence component that likely contributed to their success.

Prescriptions for Failure: How Not to Do It

While it is apparent from the foregoing that I feel reasonably confident that offenders can benefit from specific types of counselling and behaviour modification programs, there is the reality that we are not the "experimenting" society we claim to be. We learn neither from our successes nor from our failures in the corrections field. Rather, if a program is partially a failure, a negativism quickly develops and there is a headlong rush to search for a new panacea. Unfortunately, a pervasive rigidity in the face of facts is displayed. It happens to proponents on either side. Some critics refuse to believe some programs fail for good reason. Others refuse to believe that behaviour can be changed. Both sides assume that somehow absolute truth, based on minimal evidence, has been discovered, thus allowing for a convenient myopic attitude toward examining new approaches to delinquency prevention.

In addition to the aforementioned traits, persistence in the following behaviours should also continue to minimize progress in the field.

Ignore Relevant Literature

This happens more than one would think. The recent debate over rehabilitation was about literature published before 1967. Subsequent reviews, for some reason or other, have been highly selective or else have ignored large bodies of relevant material. This phenomenon is rather frightening. Witness the popularity of clinical sociology which, as Andrews commented, has been characterized by an inability of its proponents to test their cherished assumptions. It's also marked by their ability to remain blind to the behavioural revolution that has occurred outside their discipline. Deterrence proponents, for another example, have virtually ignored the fact that weaknesses in their theory-buildings are, in part, due to an ignorance of basic experimental psychology that directly touches upon their concerns.

We would argue that the failure to take the broad, well-informed view has promoted much of the barren theorizing that has given the criminal justice field such a nihilistic flavour. Indeed, what programming integrity would a social service system deliver that is readily deducible from radical criminology, a "leave the children alone" theory, or a

just-deserts model? The former requests a wrenching, radical change in Western society and the second — when it suggests anything — suggests programs that have a good chance of increasing recidivism. The third theory, besides calling for something called "justice-as-fairness", has some proponents claiming that short of killing people we cannot stop them from committing crimes!

Lack of Therapeutic Integrity

This is a variegated category ranging from the obvious and commonplace. For example, few funds are spent on offender programs, to the political reality of so many constraints being placed on programs when they are funded that any potential effectiveness is neutralized.

But by far, the most common problem that permeates the programming literature centres on the quality and intensity of the delivery of service itself. To what extent do treatment personnel actually adhere to the principles and employ the techniques of the therapy they purport to provide? To what extent are the treatment staff competent? How hard do they work? How much is treatment diluted in the correctional environment so that it becomes treatment in name only? Unfortunately, these questions are all too often answered in the negative. No matter what area of the intervention literature one examines these problems surface.

The classic example of lack of integrity, and we fear it has been repeated all too often, comes from the influential Kassebaum et al. institutional counselling study. Herbert Quay examined that study and brought the following to light after nothing-works proponents trumpeted this study to be a good example of the failure of counselling. Quay reported that:

1. Only one-third of the practising group counsellors felt the treatment would affect recidivism.
2. Most of the counsellors were not professionals.
3. The training provided by the researchers focused on the counsellors' personalities rather than on providing them with specific counselling techniques.
4. Training meetings were poorly attended.
5. Once the program began, training of the lay counsellors was discontinued.
6. The counselling co-ordinator for the project was seldom consulted by the counsellors.
7. Inmate participation was involuntary; the groups were mixtures of extreme types of inmates; and inmate ratings of the content and structure of the counselling sessions were poor.

There are several corollaries to the lack of therapeutic integrity. Two of them deserve separate treatment.

Dismissal of Interactions and Individual Differences

The failure to consider that types of treatment and individuals may interact and affect outcome reached its peak when Martinson dismissed the whole area as a search for a "will-o'-the-wisp" phenomenon. In addition, some of the early sociological biases regarding the study of group process and complex programs only, without examining structure and process variables, contributed to the problem.

This state of affairs has been rectified somewhat. Many researchers have drawn attention to the problem and now a majority of the studies examine individual differences and their interactions with treatment variables. They are crucial to assessing the value of employment programs, institutional counselling and probation studies, and community-based and family therapy programs. Occurrences of interactions are not random as Martinson argued. There is usually a very good theoretical reason for their existence. For example, there is enough clinical data to suggest that offenders with sociopathic traits would react well to highly structured, concrete reinforcement programs. They would respond well to systematic and consistent incentive programs, or "token economies", whereby if you do well you get reinforcement in the form of a token — either money or praise. Such prisoners, on the other hand, react poorly to emotive, open communications programs.

Failure to Attend to the System

How the system functions in terms of service delivery has been ignored. There have been very few individual accounts of how program policies in and of themselves can affect outcome. We need more concentrated efforts at systems analysis linking: (a) setting factors and the physical and social structure of the program; (b) process and content of intervention; (c) intermediate targets such as attitude change; and (d) recidivism and cost-benefit.

We need to examine how variables affecting the implementation of service systems affect outcome. As a case in point, Andrews and I assessed attempts at setting up 19 different programs in a variety of correctional settings. It is important for correctional managers to verify (as we did) some of the obvious factors that were predictive of program success and maintenance: (a) how contact was initiated; (b) institutional stability; (c) knowledge of settings; (d) exact roles of the program managers; and (e) involvement of staff.

Finally, correctional administrators have sensed for a long time that political expediency prevents social service systems from functioning harmoniously enough to deliver services efficiently, if

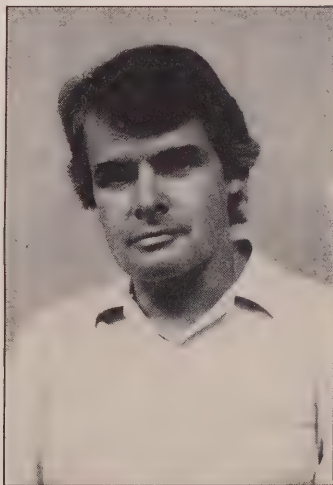
at all, to the offenders. The extent to which this has happened has been ignored. Even in correctional and social service systems reported to be affluent and progressive, the system operates inefficiently in service delivery. Very often, few offenders and their families receive services outside of the criminal justice system. A few successful intervention programs have bridged this gap but in most cases the services are simply not there or are not oriented toward offenders — a reality that has escaped proponents of the advocacy/broker model and "leave the children alone" approach to service delivery.

In summary, there are correctional programs that are effective; they can be distinguished from our unsuccessful attempts in the past. There are perfectly good reasons why limited success has been achieved in certain other programs and it is within our means to be constructive in improving their success rate.

Although certain types of severely violent criminal conduct is possibly less amenable to corrections, it is, nevertheless, well within our means to effectively deal with many offenders. ■

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Understanding and treating what causes crime

by Dr. Douglas A. Quirk and
Dr. Reginald M. Reynolds

Introduction

There are many causes of the crime of which a person may be charged with "just doing a job," as in the case of a person who has been hired by someone to break into a building. He and his accomplices may have been raising a racket on a Saturday night," or it may be a matter of revenge, or it may be a matter of warmth on a cold day, or a matter of attention, or for excitement, or for sexual release. The treatment or correction of the offender is only meaningful if it is based on an understanding of the circumstances and the motives with which he is motivated. As our knowledge of the causes of crime increases, and as our ability to predict and control criminal recidivism improves, it becomes increasingly meaningful to define different subgroups of criminal offenders, and to develop differential treatment programs for each.

The Ontario Correctional Institute has entered actively into two related processes: differential classification of offenders according to the underlying causation of their offences; and differential treatment designed to modify the identified causes of offences and thus reduce the risk that offenders will recidivate.

It used to be that offenders tended to be lumped together into one group, and there was thought to be one cause of offences: offenders were bad people whose weak moral sense was seen to reflect insufficient development of conscience or guilt. Some people would still like to tell you that all criminals are alike. Accordingly, they were treated with incarceration in penitentiaries, presumably to increase their penitence. As the field of corrections developed, it was noted that people who were steadily employed in skilled occupations producing adequate levels of income, tended less often to offend or to re-offend than others less well-situated. Accordingly, efforts were introduced to train inmates in useful trades, and to help them to acquire and maintain productive employment in the

community. Curiously, this initiative was only modestly successful in reducing recidivation. It was concluded that skills training alone might not be the central factor in the causation or prevention of crime.

Subsequently, a host of other potential causative factors was identified, modification of which held out some hope for the "correction" of criminals and a reduction in crime. Among these "causes" of crime were seen to be such factors as the failure of society's institutions, such as schools, and thus failure in socialization; the need of young adults involved in identity formation to challenge authority and the established modes of behaviour; nutritional deficiencies associated with food availabilities; urban living with its tendency to impair emotional involvements with others; exposure to media violence; accidental or traumatic conditioning to feel anxiety or fear; deficiencies in the learning of interpersonal skills; and so on. This broadening understanding of the underlying causes of crime has increased the range of possible "correctional" alternatives, whose purpose is to correct the causes involved in crime, and hopefully, thereby, to correct the individual's tendency to commit crime.

For the purpose of simplification in this discussion, these various types of causes of criminality will be categorized in terms of excesses, insufficiencies and over-generalizations of behaviour.

Behavioural Excesses

Some of the causes which seem to underlie crime appear to be related to excesses either of stimulus (drive) or of response. This is particularly true with respect to the more dangerous types of offences where drive pressure is often excessive. Such behaviour patterns often arise from an excess of frustration or anger. Some brain anomalies create excesses of irritability or impulsiveness which the person cannot effectively control. Nutritional deficiencies may often inhibit the development of modulatory skills in relation to behaviour, resulting in poorly controlled excesses of feeling and behaviour. Exposure to media violence

may result in increased aggressive potential. Anxiety conditioning may result in increases of disruptive drive pressure; and so on.

Behavioural excesses, according to the current view, are usually most conveniently corrected by means of treatment programs which are, in a general sense, educative. This means that a person may need to learn either to reduce or to control the underlying drive and its behavioural expression, or to find alternative means to express the underlying drive. A number of different classes of treatments are available to accomplish these purposes.

Reduction of motivational excesses has been achieved most reliably in treatments aimed at reducing anxiety and irritability. Anxiety is a state of physiological arousal with both drive and experiential properties, which adds pressure or intensity to any other drives with which it becomes associated. For example, increases in anger, in sexual drive pressure, in dependency or nurturance needs, in attention or exhibitionistic need, or in the need for power may be strengthened by any associated anxiety which may be present. Anxiety, in addition to being conceived of as the common core of the neuroses, and as such the underlying cause of much of what passes for mental or emotional disorder, is also a motive which drives a person both to avoid and to control his/her impulses. Because anxiety adds its own drive pressure, it also tends to disrupt control and to increase impulsiveness. Fortunately, there is a variety of treatment programs available to correct anxiety and irritability as described above. One group of treatment methods, called systematic desensitization, trains the individual in a new habit of calmness or non-anxiousness, thus ameliorating the underlying anxiety drive. Another group of methods, exemplified by anxiety-relief conditioning, trains against the anxiety drive, or counter-conditions it.

Irritability, in many instances, arises from errors in neuro-conduction in the brain, examples of which include the epilepsies and so-called perceptual handicap. These may result in episodic irritable behaviour, violent outbursts and unpredictable losses of control.

Again, fortunately, such irritability can sometimes be trained out by means of biofeedback training, employing the electroencephalogram (EEG).

Control of motivational excesses has been achieved in many cases by training techniques aimed at particular dimensions of the under-control or response excess. Anger and aggression control training or stress management training each seek to modify specific domains of behavioural excesses by providing the person with training methods of control or modulation of the responses in question. In the first of these cases, the response excess to be controlled is acting-out anger in aggressive ways; in the second, the response excess to be controlled is the body's anxiety or stress response.

Alternatives to responses which occur in excess have often been found which can replace the behaviour occurring in excess with another type of response which is socially acceptable. Perhaps the most common example of this would be assertiveness training, in which excessive aggressive drive can often be moderated by training the person in socially-acceptable ways of expressing his or her feelings in interpersonal situations — which provides the person with a means to siphon off, as it were, the drive pressure underlying the response excess.

Behavioural Insufficiencies

Some of the causes which appear to underlie crime seem to be the result of an insufficiency of certain necessary adaptive behaviours. For example, weakness in a person's sense of personal identity as he or she passes through adolescence and young adulthood may result in an excessive need to challenge the establishment in an antisocial way; nutritional deficiencies may result in lessened vitality and reduced efficiency of body and brain functioning; disruption of parenting functions (for example, due to parental separation or divorce) may result in insufficient provision of the conditions necessary for normal socialization; failures experienced in the educational process may result in insufficient persistence or sense of personal power or the capacity for success; and the mobility of modern urban living may diminish the person's capacity for warm emotional ties and prevent the development of empathy, and thus make him or her more than normally capable of victimizing others.

Behavioural insufficiencies, according to the current view, usually are most conveniently corrected by educative programs in the generic sense of that term. Accordingly, some form of learning or training endeavour, or the provision of experiences from which learning might occur, are sought to supply the individual's need or to correct the insufficiency. At least three

classes of educative endeavours can be identified as potentially meaningful or effective in correcting such behavioural insufficiencies.

“Emotional resources are conventionally increased in the normal process of family living . . .”

Knowledge is conventionally increased in educative endeavours which have been institutionalized in the educational and trades training systems in the community. Toward this end, correctional programs have been mounted to supply the inmate with opportunities to learn academic and vocational skills. Increasing the individual's knowledge or skills may be construed as assisting in the correction of such “causes” of crime as insufficiencies in learning ability, possibly associated with brain anomalies, insufficiencies of socialization and adaptation, or insufficiencies of interactional skills, including the skill of valuing oneself.

Life skills, such as task persistence, social self-presentation, and how to ask another for help, are conventionally increased in involvements with a wide variety of entrepreneurial community institutions such as stores, churches, recreational facilities, health facilities and organized peer groups. Toward this end, the correctional system mounts programs in which life skills might be learned. These programs include chapel and clergy, incentive allowance and canteen, recreational programs, Alcoholics Anonymous, health services, and a host of volunteer programs supporting involvement in community living. From these programs it is hoped the inmate will learn and thus compensate for insufficient life skills. Increasing the individual's life skills may be construed as assisting in the correction of such “causes” of crime as insufficiencies in identity development, in socialization or adaptation, in independent living, in interactional skills, in personal values, and so on.

Emotional resources are conventionally increased in the normal process of family living. Toward this end, the correctional system organizes living accommodations, as far as possible, for inmates in peer groups under the supervision and discipline of correctional officers. This arrangement at least provides an opportunity for correctional staff to supply some of the parenting functions which a large proportion of our inmates have experienced in very short supply. At the

OCI, this “parenting” function has been made an explicit part of the correctional officer's role. For example, each correctional officer is assigned a number of inmates as his or her “caseload.” The expectation is that a special human relationship (involving respecting, caring, or other emotions) will be formed between the officer and his or her caseload. This correctional endeavour has already been shown to have significant effects in diminishing recidivism rates among inmates. It also has a generally beneficial effect on the community adjustment of inmates in the correctional living unit. Increasing the emotional resources of the individual may be construed as assisting in the correction of “causes” of crime such as insufficiencies in adaptation to proscription and instruction, identity development, the inmate's own parenting functions, socialization, emotional involvement, and interactional skills.

Behavioural Over-generalization

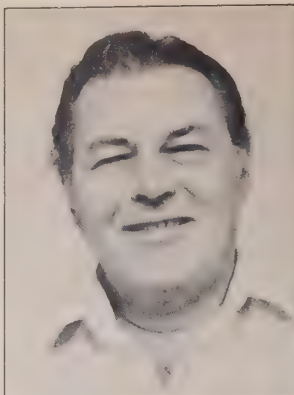
Some of the causes underlying crime appear to be associated with impoverished controls and inappropriate ideas which are a result of response over-generalization. No attempt will be made here to reference the available information related to this dimension of human behaviour. It is sufficient to say that stimulus over-generalization is probably the major factor underlying “psychotic” disorders or major mental illness. Response over-generalization underlies much of what passes, on the one hand, for vengeful, “paranoid” behaviour, and, on the other hand, for many of the sexual deviations. The sorts of excesses which are found among persons with these sorts of difficulties result in impoverishment of control functions, and in unexpected forms of behaviour which tend not to be tolerated easily by the community.

Stimulus and response over-generalizations, according to the current view, are usually most effectively corrected by treatment programs of a generally educative or training variety. The treatment involves training the person in either stimulus discrimination or response differentiation. Some of the methods employed for this purpose include perceptual discrimination training, concept formation training, semantic differentiation training, precision learning, fair witness training, and a number of related methods. Each of these treatments involves a specialized program which requires specialized psychological training. Such treatment usually needs to be supplemented by anti-anxiety training procedures such as systematic desensitization, because the over-generalization of response is itself generated in large part by excessive or

catastrophic anxiety. These methods mostly need to be undertaken in individual sessions. If properly undertaken, their effects tend to be both reliable and efficient in correcting the lingering and disruptive effects of over-generalization.

Summary

In this paper it has been argued that determination of the causes underlying criminal behaviour is logical prior to the introduction of correctional procedures, which increases the range of options available for modification or correction of criminal behaviour. As methods for assessment of the various causative factors in crime improve, and as the available re-educative treatment options increase, there is real hope that criminality, once recognized, can be controlled by standard correctional procedures which are educative in the best sense of the term. A simplistic view of the commonly-identifiable factors in crime was used here to illustrate the inclusion of some of the contributive factors which may be involved in various forms of criminal behaviour. Some of the possible means by which to achieve this end for a nonal purpose. ■



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